

Appendix V Responses to Comments on the “Recirculated Sections of Chapter 4.0 (III, Air Quality; VII, Greenhouse Gases; 4.5, Climate Change; and Table 4.10)”

This appendix contains the comments received on the “Recirculated Sections of Chapter 4.0 (III, Air Quality; VII, Greenhouse Gases; 4.5, Climate Change; and Table 4.10)” for the proposed Mid County Parkway (MCP) Project and the responses to those comments.

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ATTACHMENT A: Air Quality Measures

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V.1 Introduction

The "Recirculated Sections of Chapter 4.0 (III, Air Quality; VII, Greenhouse Gases; 4.5, Climate Change; and Table 4.10)" (also referred to as the "Recirculated Sections of Chapter 4.0") of the Environmental Impact Report (EIR) for the proposed Mid County Parkway (MCP) project was circulated for public review from January 31, 2014, to March 17, 2014. The "Recirculated Sections of Chapter 4.0" was distributed to the agencies listed in Chapter 7, Distribution List, starting on page 7-1 in the Final EIR/EIS. Chapter 7 also lists organizations, interested parties, and members of the general public who received the Notice of Availability for the "Recirculated Sections of Chapter 4.0."

Written comments received during the public circulation period included letters and emails received by the Riverside County Transportation Commission (RCTC). Copies of all the written comments are included in this appendix.

Refer to Chapter 5, Comments and Coordination, in the Final EIR/EIS for additional discussion of the public review period for the "Recirculated Sections of Chapter 4.0."

The air quality and greenhouse gas (GHG) analyses provided in the "Recirculated Sections of Chapter 4.0" are in addition to the air quality and GHG analyses provided in Chapter 4, California Environmental Quality Act Evaluation, under the California Environmental Quality Act (CEQA) in the 2008 Draft EIR/Draft EIS and the 2013 Recirculated Draft EIR/Supplemental Draft EIS. Measures AQ-1 through AQ-5, cited in Section III, Air Quality, starting on page 4-9 in the Recirculated Draft EIR/Supplemental Draft EIS would continue to apply to the MCP Build Alternatives based on the analyses provided in the "Recirculated Sections of Chapter 4.0." The conclusions regarding the significance of effects under CEQA provided in the "Recirculated Sections of Chapter 4.0" include the mitigating effects of Measures AQ-1 through AQ-5. For convenience, the language of Measures AQ-1 through AQ-5 is provided in Attachment A, Air Quality Measures, in this responses to comments appendix.

V.2 Format of Responses to Comments

All the written comments received during, or shortly after the close of, the public review period are included in this appendix. Substantive environmental issues raised within each comment letter/email are numbered along the right-hand margin of each

letter or email. The responses to comments in each comment letter/email are referenced by the index numbers in the margins of the letters/emails.

The format of the responses to comments is based on a unique letter and number code for each comment. The number at the end of the code refers to a specific comment within the individual letter. Therefore, each individual comment has a unique code assignment. For example, St-1-1 is the first substantive comment in letter S-1. "St" represents a comment letter from a state agency, "1" refers to the first letter from a state agency, and the second "1" refers to the first substantive comment in that letter. The alphabetic codes used in this appendix are:

- "St" for state agencies;
- "Trib" for Tribal Governments;
- "Int P" for interested parties; and
- "Pub" for comments from the general public;

V.3 Index of Comments Received

Table V.1 lists the agencies, organizations, and persons who commented on the "Recirculated Sections of Chapter 4.0 (III, Air Quality; VII, Greenhouse Gases; 4.5, Climate Change; and Table 4.10)" during, or shortly after the close of, the public comment period. The individual comment letters/emails are listed within each category (agencies, interested parties, etc.) by the date they were received. The comment letters/emails are provided in this appendix followed by responses to the substantive comments in each comment letter/email.

V.4 Comments and Responses

The comments received on the "Recirculated Sections of Chapter 4.0 (III, Air Quality; VII, Greenhouse Gases; 4.5, Climate Change; and Table 4.10)" during the public comment period and the responses to those comments are provided in the following sections and are listed in Table V.1. The responses to the comments are provided following the last page of the coded letter in each category (i.e., state agency comment letters are followed by the responses to those comments; Tribal Government comment letters are followed by the responses to those comments, etc.).

Table V.1 Summary of Comments Received On the "Recirculated Sections of Chapter 4.0 (III, Air Quality; VII, Greenhouse Gases; 4.5, Climate Change; and Table 4.10)" During, or Shortly After the Close of, the Public Circulation Period on March 17, 2014

Letter Number	Agency/Commenter Name
State Agencies	
St-1	Native American Heritage Commission (March 4, 2014)
St-2	California Department of Fish and Wildlife (March 17, 2014)
St-3	State Clearinghouse (March 18, 2014)
St-4	California Transportation Commission (March 24, 2014)
Tribal Governments	
Trib-1	Pattie Garcia, Agua Caliente Band of Cahuilla Indians (February 22, 2014)
Interested Parties	
Int-1	Center for Biological Diversity, San Bernardino Valley Audubon Society, and the Sierra Club (March 17, 2014)
Members of the General Public	
Pub-1	Carl Sherrill (January 31, 2014)
Pub-2	Phil Norris (January 31, 2014)
Pub-3	R.E. Guiders (February 3, 2014)
Pub-4	Michael A. McKibben (February 9, 2014)
Pub-5	Ann Turner McKibben (February 9, 2014)
Pub-6	Gordon Weyland (February 22, 2014)
Pub-7	John Hu (March 13, 2014)

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V.4.1 Native American Heritage Commission (St-1)

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St-1

STATE OF CALIFORNIA

Edmund G. Brown, Jr., Governor

NATIVE AMERICAN HERITAGE COMMISSION

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(916) 373-3715
Fax (916) 373-5471
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Ds_nahc@pacbell.net
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March 4, 2014

Mr. Alex Menor, Transportation Planner

Riverside County Transportation Commission

4080 Lemon Street, Third Floor
Riverside, CA 92501

RECEIVED

MAR 11 2014

BECHTEL INFRASTRUCTURE
CORPORATION

Sent by U.S. Mail

No. of Pages: 4

RE: SCH#2004111103 CEQA Notice of Completion; Re-circulated Draft
Environmental Impact Report (RDEIR) for the **"Mid-County Parkway
Project;"** located in the cities of Perris and San Jacinto; Riverside County,
California

Dear Mr. Menor

The Native American Heritage Commission (NAHC) has reviewed the
above-referenced environmental document.

The California Environmental Quality Act (CEQA) states that any project
which includes archeological resources, is a significant effect requiring the
preparation of an EIR (CEQA guidelines 15064.5(b)). To adequately comply with
this provision and mitigate project-related impacts on archaeological resources,
the Commission recommends the following actions be required:

Lead agencies should include in their mitigation plan provisions for the
identification and evaluation of accidentally discovered archeological resources,
pursuant to California Environmental Quality Act (CEQA) §15064.5(f). In areas
of identified archaeological sensitivity, a certified archaeologist and a culturally
affiliated Native American, with knowledge in cultural resources, should monitor
all ground-disturbing activities. Also, California Public Resources Code Section
21083.2 require documentation and analysis of archaeological items that meet
the standard in Section 15064.5 (a)(b)(f).

St-1-1

If there is federal jurisdiction of this project due to funding or regulatory
provisions; then the following may apply: the National Environmental Policy Act (NEPA
42 U.S.C 4321-43351) and Section 106 of the National Historic Preservation Act (16
U.S.C 470 *et seq.*) and 36 CFR Part 800.14(b) require consultation with culturally
affiliated Native American tribes to determine if the proposed project may have an
adverse impact on cultural resources

St-1-2

We suggest that this (additional archaeological activity) be coordinated with the NAHC, if possible. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. Any information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure pursuant to California Government Code Section 6254.10.

St-1-3

A list of appropriate Native American Contacts for consultation concerning the project site has been provided and is attached to this letter to determine if the proposed activity might impinge on any cultural resources.

St-1-4

California Government Code Section 65040.12(e) defines "environmental justice" to provide "fair treatment of People...with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations and policies." (The California Code is consistent with the Federal Executive Order 12898 regarding 'environmental justice.' Also, applicable to state agencies is Executive Order B-10-11 requires consultation with Native American tribes their elected officials and other representatives of tribal governments to provide meaningful input into the development of legislation, regulations, rules, and policies on matters that may affect tribal communities.

St-1-5

Lead agencies should consider first, avoidance for sacred and/or historical sites, pursuant to CEQA Guidelines 15370(a). Then if the project goes ahead then, lead agencies include in their mitigation and monitoring plan provisions for the analysis and disposition of recovered artifacts, pursuant to California Public Resources Code Section 21083.2 in consultation with culturally affiliated Native Americans.

St-1-6

Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

St-1-7

Sincerely,

Dave Singleton
Program Analyst

CC: State Clearinghouse

Attachment: Native American Contacts list

**Native American Contacts
Riverside County California
March 4, 2014**

Refer to comment St-1-4

Pala Band of Mission Indians
Historic Preservation Office/Shasta Gaughen
35008 Pala Temecula Road, PMB Luiseno
Pala , CA 92059 Cupeno
PMB 50
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sgaughen@palatribe.com
(760) 742-3189 Fax

Pechanga Band of Mission Indians
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Temecula , CA 92593
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pmacarro@pechanga-nsn.
gov
(951) 506-9491 Fax

Ramona Band of Cahuilla Mission Indians
Joseph Hamilton, Chairman
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admin@ramonatribe.com
(951) 763-4105
(951) 763-4325 Fax

Santa Rosa Band of Mission Indians
John Marcus, Chairman
P.O. Box 391820 Cahuilla
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(951) 659-2700
(951) 659-2228 Fax

Morongo Band of Mission Indians
William Madrigal, Jr., Cultural Resources Manager
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Banning , CA 92220 Serrano
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wmadrigal@morongo-nsn.
gov
(951) 572-6004 Fax

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bennaecalac@aol.com
(760) 617-2872
(760) 742-3422 - FAX

Rincon Band of Mission Indians
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1 West Tribal Road Luiseno
Valley Center, CA 92082
bomazzetti@aol.com
(760) 749-1051
(760) 749-8901 Fax

Pechanga Band of Mission Indians
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gov
(951) 695-1778 FAX

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting locative Americans with regard to cultural resources for the proposed SCH#2004111103; cEQA Notice of Completion; Re-circulated Draft Environmental Impact Report (RDEIR) for the Mid County Parkway Project; located in the cities of Perris and San Jacinto; Riverside County, California.

**Native American Contacts
Riverside County California
March 4, 2014**

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wjpink@hotmail.com
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Prefers e-mail contact

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Chairman@cahuilla.net
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760-763-2631 - Tribal EPA

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Temecula , CA 92593
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951-770-8104
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This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2004111103; cEQA Notice of Completion; Re-circulated Draft Environmental Impact Report (DEIR) for the Mid County Parkway Project; located in the cities of Perris and San Jacinto; Riverside County, California.

St-1-1

Please note that the "Recirculated Sections of Chapter 4.0 (III, Air Quality; VII, Greenhouse Gases; 4.5, Climate Change; and Table 4.10)" specifically addressed air quality issues under the California Environmental Quality Act (CEQA). The potential effects of the MCP Build Alternatives on cultural resources were evaluated in detail in the following sections of the Environmental Impact Report (EIR)/Environmental Impact Statement (EIS):

- Section 3.8, Cultural Resources, Draft EIR/Draft EIS (2008; for an approximately 32 mile long MCP facility)
- Section 3.8, Cultural Resources, in the Recirculated Draft EIR/Supplemental Draft EIS (2013; for an approximately 16-mile long MCP project which is the length of the currently proposed Build Alternatives for the MCP project)
- Section 3.8, Cultural Resources, in this Final EIR/EIS (for the approximately 16-mile long MCP project)

The analyses in those documents are based on extensive cultural resources studies conducted under the requirements of the National Environmental Policy Act (NEPA) and CEQA as described in Section 3.8 in this Final EIR/EIS.

In addition, a Memorandum of Agreement (MOA) was developed in consultation with Native American tribes and groups to specifically address the treatment of adverse effects to five archaeological sites within the project disturbance limits. The MOA is provided in Appendix U of this Final EIR/EIS.

As a result, the cultural resources comments in this comment letter are addressed largely in Section 3.8 in this Final EIR/EIS, as explained in the following responses.

Please refer to Measures CUL-4 and 5 starting on page 3.8-27 in this Final EIR/EIS specifically address the discovery of previously unknown cultural resources during project construction.

In addition, the MOA provided in Appendix U of this Final EIR/EIS stipulates the responsibilities of the FHWA, State Historic Preservation Officer, Caltrans (as assigned by FHWA), and RCTC on measures that will be taken to avoid, minimize, or mitigate the effects of the MCP project on historic properties. The MOA includes a Discovery and Monitoring Plan including an Environmentally Sensitive Area Action Plan. The MOA documents the requirements for monitoring to be carried out by a monitor meeting the Secretary of the Interior's *Professionally Qualified Standards*

(48 Federal Register 44738-44739, September 29, 1983) (MOA Stipulation II.A). In addition, the MOA requires the presence of a Native American monitor during construction in native soils (MOA Stipulation V.C). Periodic archeological reports and appropriate documentation and curation of archeological collections will also be conducted (MOA Stipulations V.C and V.E, respectively) that meet the requirements of California Public Resources Code Section 21083.2.

St-1-2

The MCP project is subject to the requirements of both NEPA and CEQA. In addition, as described in Section 3.8 and Appendix U in the Final EIR/EIS, the MCP project is subject to the requirements of Section 106 and 36 CFR Part 800.14(b). The Final EIR/EIS documents the compliance of the MCP with these requirements.

Consultation has been conducted with all the currently identified Tribes during the course of the environmental studies for the MCP project.

St-1-3

Per Stipulation V.D in the MOA, the NAHC will be notified immediately regarding the management and disposition of Native American burials, human remains, cremations, and associated grave goods. A copy of the final cultural resources report for the MCP was submitted to the SHPO, and, per standard procedure, is also on file at the Eastern Information Center (EIC), of the California Historical Resources Information System (CHRIS) located at the University of California, Riverside. As stated in Stipulation VII.A in the MOA, all cultural resources covered by the MOA are subject to Section 6254.10 of the California Government Code to ensure that all sensitive information regarding the nature and location of cultural resources are to be protected to the fullest extent available under the law.

St-1-4

As noted in the response to comment S1-1-2, above, consultation has been conducted with all the currently identified Tribes during the course of the environmental studies for the MCP project. Specifically, consultation with Native American tribes and groups was conducted during the preparation of the Draft EIR/EIS and the Recirculated Draft EIR/Supplemental Draft EIS as well as during the development of the MOA. Please refer to Chapter 5, Comments and Coordination, in the Final EIR/EIS which summarizes consultation conducted for the MCP project with the NAHC through the Notice of Preparation process as well as direct consultation with Native American tribes and groups. The consultation conducted with Native

American Tribes regarding the MCP project since 2004 is documented in both the *Historic Property Survey Report* and the *Discovery and Monitoring Plan*, and is summarized in Chapter 5, Comments and Coordination, in this Final EIR/EIS.

St-1-5

Please refer to Chapter 5, Comments and Coordination, in the Final EIR/EIS which summarizes the consultation with Native American tribes and groups conducted for the MCP project.

St-1-6

The MOA was developed specifically because the MCP project would result in adverse effects to five prehistoric archeological sites that cannot be avoided. As a result, avoidance of those sites is not discussed in the Final EIR/EIS. The Discovery and Monitoring Plan, provided as Attachment D of the MOA, requires consultation with Native American Tribes should discovery of previously unknown cultural material occur during project construction. Please refer to the MOA provided in Appendix U of this Final EIR/EIS which discusses the handling of previously unknown cultural material discovered during project construction.

St-1-7

Please refer to the MOA provided in Appendix U of this Final EIR/EIS which discusses the handling of recovered Native American human remains and Measure CUL-5 on page 3.8-27 in this Final EIR/EIS which addresses the handling of human remains, including Native American human remains. The MCP project is subject to, and RCTC and Caltrans will comply with, all applicable provisions of law, including the applicable provisions of California Health and Safety Code Section 7050.5, California Public Resources Code Section 5097.98, and California Environmental Quality Act Guidelines Section 15064.5.

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V.4.2 California Department of Fish and Wildlife (St-2)

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State of California - Natural Resources Agency
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EDMUND G. BROWN, Jr., Governor
CHARLTON H. BONHAM, Director



St-2

March 17, 2014

Mr. Alex Menor
Riverside County Transportation Commission
P.O. Box 12008
Riverside, CA 92502

Subject: Recirculated Sections of Chapter 4.0 (III, Air Quality; VII, Greenhouse Gases; 4.5, Climate Change; and Table 4.10) of the Recirculated Draft Environmental Impact Report.
Mid County Parkway Riverside County, California.
State Clearinghouse No. 2004111103

Dear Mr. Menor:

The Department of Fish and Wildlife (Department) appreciates the opportunity to comment on the Recirculated Sections of Chapter 4.0 (III, Air Quality; VII, Greenhouse Gases; 4.5, Climate Change; and Table 4.10) of the Recirculated Draft Environmental Impact Report for the Mid County Parkway Project (Project) [State Clearinghouse No. 2004111103]. The Department is responding as a Trustee Agency for fish and wildlife resources (California Fish and Game Code Sections 711.7 and 1802, and the California Environmental Quality Act [CEQA] Guidelines Section 15386), and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines Section 15381), such as the issuance of a Lake or Streambed Alteration Agreement (California Fish and Game Code Sections 1600 *et seq.*) and/or a California Endangered Species Act (CESA) Permit for Incidental Take of Endangered, Threatened, and/or Candidate species (California Fish and Game Code Sections 2080 and 2080.1).

St-2-1

Project Description

The Riverside County Transportation Commission (RCTC) in cooperation with the Federal Highway Administration and the California Department of Transportation proposes to construct a six-lane access control freeway connecting the Interstate 15 to the future State Route 79. This new freeway will generally follow the existing Ramona Expressway alignment. RCTC recirculated Section 4.4, III, Air Quality; Section 34/4, VII Greenhouse Gas Emissions; Section 4.5, Climate Change; and Table 4.10, Summary of Effects by Alternative (part) because only those sections of the Recirculated Draft EIR have been revised and replace.

Department Recommendations

The Department is writing in response to Section 4.5.1.7 "Adaptation Strategies" for the Revised Section 4.5, Climate Change. In the recirculated documents adaptive strategies were not identified because only the effects of sea level rise were considered, which were not found to be significant. For inland areas, climate change models predict more frequent and intense heat waves, increased fire frequency, more intense winds, and increased rainfall variability with the potential for more intense rainfall events. The 2011 Federal Transit Administration (FTA) research report, Flooded Bus Barns and Buckled Rails: Public Transportation and Climate Change Adaptation¹, recommends that transportation projects consider these factors in road design and incorporate measures to help adapt to a changing climate. Adaptive strategies that should have been considered for the Mid County Parkway include planning for more intense hydrologic events, temperature extremes, increased winds, and more frequent wildfires. There is general acknowledgement that models based on current hydrologic patterns are unreliable given the predicted changes to climate and therefore do not adequately predict future conditions. Strategies to estimate future hydrologic conditions, especially extreme events, include looking at the 200- or 500-year floodplain, expert elicitation (a consensus-based process that relies on expert opinion), and/or risk assessment (FTA 2011). The FHWA (2013)² report recommends that projects should give careful consideration to project design elements such as culvert size and placement of structures by adapting hydrologic models to reflect future conditions rather than relying on past conditions. In addition, the FTA research reports suggests using sensors in vulnerable structures to detect increasing flood waters or extreme temperatures.

Given the uncertainty of future conditions, the project proponent should consider larger culverts, adaptive strategies to prevent wildfires related to the Project, careful design of bridges with sufficient capacity to prevent catastrophic failures during floods, and where appropriate removal of facilities that are vulnerable to increased flows.

St-2-2

¹ Flooded Bus Barns and Buckled Rails: Public Transportation and Climate Change adaptations. Federal Transportation Administration. August 2011. FTA Report No. 0001. http://www.fta.dot.gov/documents/FTA_0001_-_Flooded_Bus_Barns_and_Buckled_Rails.pdf

² Assessment of the Body of Knowledge on Incorporating Climate Change Adaptation Measures into Transportation Projects. US Department of Transportation, Federal Highway Administration. December 2011. FHWA-HEP-14-016. http://www.fhwa.dot.gov/environment/climate_change/adaptation/resources_and_publications/transportation_projects/transportationprojects.pdf

Page 3 of 3

In summary, the Department requests that the Final Environmental Impact Report include a more careful and thorough evaluation of climate change adaptive strategies using the most current state of knowledge to ensure protection of streams, associated floodplains, and adjacent wildlands. If you should have any questions pertaining to these comments, please contact Heather Pert at 858-395-9692.

↑
St-2-2

Sincerely,



Heather Pert
Senior Environmental Scientist

cc: State Clearinghouse, Sacramento

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St-2-1

This paragraph describes CDFW's roles as a Trustee Agency and a Responsible Agency for the MCP project. No response is necessary.

St-2-2

This comment requests that Section 4.5.1.7 "Adaption Strategies" of Revised Section 4.5, Climate Change, include further evaluation of climate change adaptive strategies appropriate for inland areas. The comment raises concerns about designing the MCP project to address more severe hydrologic events (especially extreme events in the 200- and 500-year floodplains), temperature extremes, increased winds, and more frequent wildfires. The comment cites a 2013 FHWA report (http://www.fhwa.dot.gov/environment/climate_change/adaptation/publications_and_tools/) on potential adaptation measures applicable to transportation projects.

As indicated in the 2013 FHWA report, the development of climate change adaptation strategies for transportation projects (including highway projects) is evolving and the report provides an overview of the "state of the practice" in the United States and throughout the world. Of particular relevance to the MCP project because it is being designed to meet State Highway standards is the Caltrans' report entitled "Caltrans Activities to Address Climate Change – Reducing Greenhouse Gas Emissions and Adapting to Impacts" (http://www.dot.ca.gov/hq/tpp/offices/orip/climate_change/documents/Caltrans_ClimateChangeRprt-Final_April_2013.pdf). Section 8.2.3, Caltrans Adaptation Activities – Project Delivery, of this report states that:

“...the design of transportation assets is driven in part by local climate conditions. Caltrans will design and construct based on presently known or expected hydrologic, temperature, and other climate conditions. Caltrans views its responsibilities as designing and constructing based on the best information available. Any efforts by other state and national agencies to account for climate change will ripple through to Caltrans' design and construction activities.”

Table 12, Potential Climate Change Impacts on California Surface Transportation Infrastructure and Associated Adaptation Strategies, of this report provides a list of strategies to address increase in intense precipitation events as well as increase in temperature and extreme heat events. These strategies include increased capacity and

maintenance at pump plant facilities (ensuring that drainage systems are adequate to accommodate flood conditions), increased monitoring of infrastructure during extreme heat events (to ensure public safety), improved monitoring of bridge joints (to ensure public safety), increased ongoing bridge maintenance (to ensure public safety and to protect against high wind events), increased vegetation management (to ensure protection of streams, associated floodplains, and adjacent wildlands), use of heat-resistant infrastructure and incorporate mudslide mitigation measures for projects in vulnerable (e.g., burnt out) areas (for increased wildfires), and increased monitoring of slope stability in vulnerable areas (to ensure protection of streams, associated floodplains, and adjacent wildlands). Because the MCP project will be designed, constructed, and operated in accordance with the most current Caltrans highway design and maintenance standards in effect at the time of design, construction, and operation, these types of climate change adaptive strategies will be incorporated into the MCP project during final design and operation of the project.

The above information has been added to Section 4.5.1.7 "Adaptation Strategies" of Section 4.5, Climate Change in this Final EIR/EIS.

V.4.3 State Clearinghouse (St-3)

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Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

March 18, 2014

St-3

Alex Menor
Riverside County Transportation Commission
4080 Lemon Street, 3rd Floor
Riverside, CA 92051

Subject: Mid County Parkway Project
SCH#: 2004111103

Dear Alex Menor:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on March 17, 2014, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

St-3-1

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures

cc: Resources Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH# 2004111103
Project Title Mid County Parkway Project
Lead Agency Riverside County Transportation Commission

Type EIR Draft EIR
Description Note: Recirculated

RCTC, as the lead agency, has prepared additional quantitative analysis of the potential construction-related air emissions of the MCP project Build Alternatives and analysis supporting a determination of significance of project-related greenhouse gas emissions under CEQA. Those additional analyses are discussed in the following recirculated sections from Chapter 4.0, CEQA Evaluation in the Recirculated Draft EIR/Supplemental Draft EIS. Section 4.4, III, Air Quality, and VII, Greenhouse Gas Emissions; Section 4.5, Climate Change; and Table 4.10, Summary of Effects.

Lead Agency Contact

Name Alex Menor
Agency Riverside County Transportation Commission
Phone 951 787-7141 **Fax**
email
Address 4080 Lemon Street, 3rd Floor
City Riverside **State** CA **Zip** 92051

Project Location

County Riverside
City Perris, Corona, San Jacinto
Region
Lat / Long
Cross Streets Many
Parcel No. Many
Township

Range

Section

Base

Proximity to:

Highways I-215 and SR-79
Airports March Air
Railways BNSF
Waterways Many
Schools Many
Land Use Many Various

Project Issues Flood Plain/Flooding; Toxic/Hazardous; Noise; Recreation/Parks; Aesthetic/Visual; Water Supply; Soil Erosion/Compaction/Grading; Geologic/Seismic; Traffic/Circulation; Agricultural Land; Air Quality; Biological Resources; Drainage/Absorption; Economics/Jobs; Forest Land/Fire Hazard; Minerals; Population/Housing Balance; Public Services; Schools/Universities; Solid Waste; Vegetation; Water Quality; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Boating and Waterways; Department of Fish and Wildlife, Region 6; Cal Fire; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 8; Air Resources Board; Air Resources Board, Transportation Projects; Regional Water Quality Control Board, Region 8; Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission

Date Received 01/31/2014

Start of Review 01/31/2014

End of Review 03/17/2014

1/20/14
03/17/14
E

STATE OF CALIFORNIA

Edmund G. Brown, Jr., Governor

NATIVE AMERICAN HERITAGE COMMISSION

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Ds_nahc@pacbell.net
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MAR 06 2014



March 4, 2014

STATE CLEARING HOUSE

Mr. Alex Menor, Transportation Planner

Riverside County Transportation Commission

4080 Lemon Street, Third Floor
Riverside, CA 92501

Sent by U.S. Mail

No. of Pages: 4

RE: SCH#2004111103 CEQA Notice of Completion; Re-circulated Draft Environmental Impact Report (RDEIR) for the **"Mid-County Parkway Project,"** located in the cities of Perris and San Jacinto; Riverside County, California

Dear Mr. Menor

The Native American Heritage Commission (NAHC) has reviewed the above-referenced environmental document.

The California Environmental Quality Act (CEQA) states that any project which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA guidelines 15064.5(b)). To adequately comply with this provision and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, pursuant to California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities. Also, California Public Resources Code Section 21083.2 require documentation and analysis of archaeological items that meet the standard in Section 15064.5 (a)(b)(f).

If there is federal jurisdiction of this project due to funding or regulatory provisions; then the following may apply: the National Environmental Policy Act (NEPA 42 U.S.C 4321-43351) and Section 106 of the National Historic Preservation Act (16 U.S.C 470 et seq.) and 36 CFR Part 800.14(b) require consultation with culturally affiliated Native American tribes to determine if the proposed project may have an adverse impact on cultural resources

We suggest that this (additional archaeological activity) be coordinated with the NAHC, if possible. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. Any information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure pursuant to California Government Code Section 6254.10.

A list of appropriate Native American Contacts for consultation concerning the project site has been provided and is attached to this letter to determine if the proposed activity might impinge on any cultural resources.

California Government Code Section 65040.12(e) defines "environmental justice" to provide "fair treatment of People...with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations and policies." (The California Code is consistent with the Federal Executive Order 12898 regarding 'environmental justice.' Also, applicable to state agencies is Executive Order B-10-11 requires consultation with Native American tribes their elected officials and other representatives of tribal governments to provide meaningful input into the development of legislation, regulations, rules, and policies on matters that may affect tribal communities.

Lead agencies should consider first, avoidance for sacred and/or historical sites, pursuant to CEQA Guidelines 15370(a). Then if the project goes ahead then, lead agencies include in their mitigation and monitoring plan provisions for the analysis and disposition of recovered artifacts, pursuant to California Public Resources Code Section 21083.2 in consultation with culturally affiliated Native Americans.

Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,


Dave Singleton
Program Analyst

CC: State Clearinghouse

Attachment: Native American Contacts list



State of California - Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Blvd., Suite C-220
Ontario, CA 91764
(909) 484-0459
www.wildlife.ca.gov

EDMUND G. BROWN, Jr., Governor
CHARLTON H. BONHAM, Director



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MAR 17 2014

March 17, 2014

Mr. Alex Menor
Riverside County Transportation Commission
P.O. Box 12008
Riverside, CA 92502

STATE CLEARINGHOUSE

Subject: Recirculated Sections of Chapter 4.0 (III, Air Quality; VII, Greenhouse Gases; 4.5, Climate Change; and Table 4.10) of the Recirculated Draft Environmental Impact Report.
Mid County Parkway Riverside County, California.
State Clearinghouse No. 2004111103

Dear Mr. Menor:

The Department of Fish and Wildlife (Department) appreciates the opportunity to comment on the Recirculated Sections of Chapter 4.0 (III, Air Quality; VII, Greenhouse Gases; 4.5, Climate Change; and Table 4.10) of the Recirculated Draft Environmental Impact Report for the Mid County Parkway Project (Project) [State Clearinghouse No. 2004111103]. The Department is responding as a Trustee Agency for fish and wildlife resources (California Fish and Game Code Sections 711.7 and 1802, and the California Environmental Quality Act [CEQA] Guidelines Section 15386), and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines Section 15381), such as the issuance of a Lake or Streambed Alteration Agreement (California Fish and Game Code Sections 1600 *et seq.*) and/or a California Endangered Species Act (CESA) Permit for Incidental Take of Endangered, Threatened, and/or Candidate species (California Fish and Game Code Sections 2080 and 2080.1).

Project Description

The Riverside County Transportation Commission (RCTC) in cooperation with the Federal Highway Administration and the California Department of Transportation proposes to construct a six-lane access control freeway connecting the Interstate 15 to the future State Route 79. This new freeway will generally follow the existing Ramona Expressway alignment. RCTC recirculated Section 4.4, III, Air Quality; Section 34/4, VII Greenhouse Gas Emissions; Section 4.5, Climate Change; and Table 4.10, Summary of Effects by Alternative (part) because only those sections of the Recirculated Draft EIR have been revised and replace.

Department Recommendations

The Department is writing in response to Section 4.5.1.7 "Adaptation Strategies" for the Revised Section 4.5, Climate Change. In the recirculated documents adaptive strategies were not identified because only the effects of sea level rise were considered, which were not found to be significant. For inland areas, climate change models predict more frequent and intense heat waves, increased fire frequency, more intense winds, and increased rainfall variability with the potential for more intense rainfall events. The 2011 Federal Transit Administration (FTA) research report, Flooded Bus Barns and Buckled Rails: Public Transportation and Climate Change Adaptation¹, recommends that transportation projects consider these factors in road design and incorporate measures to help adapt to a changing climate. Adaptive strategies that should have been considered for the Mid County Parkway include planning for more intense hydrologic events, temperature extremes, increased winds, and more frequent wildfires. There is general acknowledgement that models based on current hydrologic patterns are unreliable given the predicted changes to climate and therefore do not adequately predict future conditions. Strategies to estimate future hydrologic conditions, especially extreme events, include looking at the 200- or 500-year floodplain, expert elicitation (a consensus-based process that relies on expert opinion), and/or risk assessment (FTA 2011). The FHWA (2013)² report recommends that projects should give careful consideration to project design elements such as culvert size and placement of structures by adapting hydrologic models to reflect future conditions rather than relying on past conditions. In addition, the FTA research reports suggests using sensors in vulnerable structures to detect increasing flood waters or extreme temperatures.

Given the uncertainty of future conditions, the project proponent should consider larger culverts, adaptive strategies to prevent wildfires related to the Project, careful design of bridges with sufficient capacity to prevent catastrophic failures during floods, and where appropriate removal of facilities that are vulnerable to increased flows.

¹ Flooded Bus Barns and Buckled Rails: Public Transportation and Climate Change adaptations. Federal Transportation Administration. August 2011. FTA Report No. 0001. http://www.fta.dot.gov/documents/FTA_0001_-_Flooded_Bus_Barns_and_Buckled_Rails.pdf

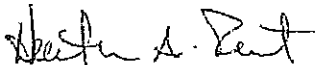
² Assessment of the Body of Knowledge on Incorporating Climate Change Adaptation Measures into Transportation Projects. US Department of Transportation, Federal Highway Administration. December 2011. FHWA-HEP-14-016. http://www.fhwa.dot.gov/environment/climate_change/adaptation/resources_and_publications/transportation_projects/transportationprojects.pdf

Recirculated Sections of the DEIR
Mid County Parkway Project
SCH No. 2004111103

Page 3 of 3

In summary, the Department requests that the Final Environmental Impact Report include a more careful and thorough evaluation of climate change adaptive strategies using the most current state of knowledge to ensure protection of streams, associated floodplains, and adjacent wildlands. If you should have any questions pertaining to these comments, please contact Heather Pert at 858-395-9692.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather A. Pert". The signature is fluid and cursive, with the first name "Heather" and last name "Pert" being clearly legible, and "A." as a middle initial.

Heather Pert
Senior Environmental Scientist

cc: State Clearinghouse, Sacramento

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St-3-1

Please refer to comment letters St-1 and St-2, earlier in this report, for the comments from and responses to the Native American Heritage Commission and the California Department of Fish and Wildlife, respectively.

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V.4.4 California Transportation Commission (St-4)

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CARL GUARDINO, Chair
LUCETTA DUNN, Vice Chair
BOB ALVARADO
DARIUS ASSEMI
YVONNE B. BURKE
JAMES EARP
DARIO FROMMER
JAMES C. GHIEMMETTI
FRAN INMAN
JAMES MADAFFER
JOSEPH TAVAGLIONE

STATE OF CALIFORNIA

EDMUND G. BROWN Jr., Governor



St-4

SENATOR MARK DESAULNIER, Ex Officio
ASSEMBLY MEMBER BONNIE LOWENTHAL, Ex Officio

Andre Boutros, Executive Director

CALIFORNIA TRANSPORTATION COMMISSION

1120 N STREET, MS-52
SACRAMENTO, CA 95814
P. O. BOX 942873
SACRAMENTO, CA 94273-0001
FAX (916) 653-2134
(916) 654-4245
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March 24, 2014

Mr. Alex Menor
Riverside County Transportation Commission
PO Box 12008
Riverside, CA 92502

RE: Recirculated Sections of the Draft Environmental Impact Report (RDEIR)/Draft Environmental Impact Statement (RDEIS) – Mid County Parkway Project

Dear Mr. Menor,

The California Transportation Commission, as a Responsible Agency, received the recirculated sections of the RDEIR/RDEIS for the Mid County Parkway Project (project). The project will construct a 16 mile west-east transportation corridor between Interstate-215 (I-215) and State Route (SR) 79 in Riverside County connecting the Cities of San Jacinto and Perris. The project will consist of a divided highway including three lanes in each direction with on and off ramps as well as freeway-freeway type interchanges at I-215 and SR-79.

The Commission has no comments on the recirculated sections or the alternatives to be considered in the RDEIR/RDEIS. However, the Commission recommends that the Riverside County Transportation Commission (RCTC) and its partners identify and secure the necessary funding to complete the project.

The Commission should be notified as soon as the environmental process is complete as the Commission cannot allocate funds to a project for design, right of way or construction until the final environmental document is complete and the Commission has considered the environmental impacts of the project and approved the environmentally cleared project for future consideration of funding.

Upon completion of the CEQA process, prior to the Commission's action to approve the project for future consideration of funding, the Commission expects the lead and/or implementing agency to provide written assurance whether the selected alternative identified in the final environmental document is or is not consistent with the project programmed by the Commission and included in the Regional Transportation Plan. In the absence of such assurance of consistency, it may be assumed that the project is not consistent and Commission staff will base its recommendations to the Commission on that fact. The Commission may deny funding to a project which is no longer eligible for funding due to scope modifications or other reasons.

St-4-1

Mr. Alex Menor
March 24, 2014

If you have any questions, please contact Laura Pennebaker at (916) 653-7121.

Sincerely,

A handwritten signature in black ink, appearing to read "Andre Boutros". The signature is fluid and cursive, with a large initial "A" and a stylized "B".

ANDRE BOUTROS
Executive Director

c: Katrina Pierce, Chief, Caltrans Division of Environmental Analysis

St-4-1

This comment notes that the California Transportation Commission (CTC) is a Responsible Agency under CEQA and has no comments on the "Recirculated Sections of Chapter 4.0 (III, Air Quality; VII, Greenhouse Gases; 4.5, Climate Change; and Table 4.1). It also describes the process required for consideration of funding by the CTC after the completion of the California Environmental Quality Act (CEQA) process for the MCP project. The RCTC is aware of these requirements and will work with the CTC after the completion of the CEQA process to provide the required documentation to the CTC.

As discussed on page 1-12, in Section 1.2.1, Funding and Programming, in the Final EIR/EIS, the MCP project is included in the 2012 Regional Transportation Plan (adopted April 4, 2012) and the 2015 Federal Transportation Improvement Program (December 15, 2014). As discussed on page 3.14-14 in Section 3.14, Air Quality, in the Final EIR/EIS, the 2012 Regional Transportation Plan was found to conform to the State Implementation Plan (SIP) by the Southern California Association of Governments (SCAG) on April 4, 2012, and the FHWA and the FTA made a regional conformity finding in June 2012. The 2015 FTIP was determined to conform to the SIP by the FHWA and the FTA on December 15, 2014. The design concept and scope of the MCP project are consistent with the project description in the 2012 RTP and the 2015 FTIP, and the open-to-traffic assumptions in SCAG's regional emissions analysis. On January 28, 2014, the Transportation Conformity Work Group (TCWG) reviewed a memorandum dated January 9, 2014, from Grace Alvarez at RCTC noting that Alternative 9 Modified with the San Jacinto River Bridge Design Variation had been identified as the Preferred Alternative. The TCWG determined that no additional PM analysis was required. This determination concluded the interagency consultation requirement for transportation conformity for the MCP project.

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V.4.5 Pattie Garcia, Agua Caliente Band of Cahuilla Indians (Tri-1)

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Carmen Lo

From: projectteam@midcountyparkway.org
Sent: Friday, February 21, 2014 8:24 AM
To: sbein@rbf.com; Carmen Lo
Subject: Mid County Parkway Project: New Feedback - ID# 1375

From Pattie Garcia pagarcia@aguacaliente.net

Phone:

Address:

City, State:

Zip: 92264

Parcel:

Comments:

The Tribal Historic Preservation department of the Agua Caliente Band of Cahuilla Indians has no comment at this time
Please keep us updated as the project progresses.

Tri-1-1

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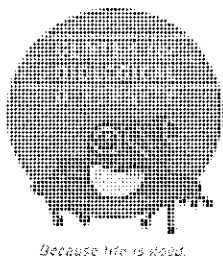
Tri-1-1

This email indicates that the Agua Caliente Band of Cahuilla Indians has no comment on the "Recirculated Sections of Chapter 4.0 (III, Air Quality; VII, Greenhouse Gases; 4.5, Climate Change; and Table 4.10)." The comment also requests that the Tribe continue to be kept informed of the status of the project. The Tribe is on page 7-9 in the distribution list for the project provided in Chapter 7, Distribution List, in the Final EIR/EIS. No further response is necessary.

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V.4.6 Center for Biological Diversity, San Bernardino Valley Audubon Society, and The Sierra Club (Int-1)

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VIA Electronic mail and USPS

March 17, 2014

Mr. Alex Menor
Riverside County Transportation Commission
P.O. Box 12008
Riverside, CA. 92502
amenor@rctc.org

Re: Comments on the Mid County Parkway Revised Sections of the Recirculated Draft Environmental Impact Report

Dear Mr. Menor,

These comments are submitted on behalf of the Center for Biological Diversity, San Bernardino Valley Audubon Society, and Sierra Club ("Conservation Groups") on the 2014 Revised Sections of the Recirculated Draft Environmental Impact Report ("Revised RDEIR") for the Mid County Parkway ("MCP or Project"). While the revised sections focus on Air Quality, Greenhouse Gases and Climate Change, they raise larger concerns about the harmful environmental effects and necessity of the Project. The demonstrated significant impacts from climate change disclosed in the Revised RDEIR further emphasize the need to fully analyze and adopt all feasible mitigation measures and alternatives to the Project.

The MCP proposes to develop a six lane roadway between I-215 and SR-79 adjacent to the San Jacinto Wildlife Area and Lake Perris State Recreation Area, which are home to numerous rare, sensitive, threatened and endangered species. As the Center noted in its comments on the Project's 2013 RDEIR/Supplemental Draft Environmental Impact Statement ("RDEIR/SDEIS"), the Project would establish an automobile transit infrastructure that will encourage massive increases in the emissions of air pollution and greenhouse gases, and encourage 20th century sprawl during a time when California is moving towards 21st century transportation infrastructure to address our long term sustainability and climate change stabilization goals.

Int-1-1

Alaska • Arizona • California • Florida • Minnesota • Nevada • New Mexico • New York • Oregon • Washington • Washington, DC

Jonathan Evans, Toxics and Endangered Species Campaign Director & Staff Attorney
351 California St., Ste. 600 • San Francisco, CA 94104
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However, nothing in the revised sections of RDEIR allays these concerns. Instead, the revised sections further emphasize the significant environmental impacts of this bloated and unnecessary Project. Although the revised sections do provide some additional analysis of the Project's Greenhouse Gas ("GHG") and Air Quality impacts, the analysis is often incomplete and inadequate. Further, the revised sections fall short of CEQA's requirements to adopt all feasible mitigation measures and thoroughly analyze an adequate range of alternatives. The revised sections of RDEIR fail to fill the missing gaps in the environmental review evident during the 2013 RDEIR/SDEIS. Therefore, the Center urges the RCTC to complete further environmental review and analysis of an environmentally superior alternative, which addresses the issues raised below and in previous comments and moves Riverside County in a direction of improved public transit and reduced air pollution.

Int-1-1

The Center for Biological Diversity is a non-profit environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center for Biological Diversity has over 675,000 members and e-activists throughout California and the western United States, including residents of western Riverside County. The Center has worked for many years to protect imperiled plants and wildlife, open space, air and water quality, and overall quality of life for people in the Inland Empire.

The San Bernardino Valley Audubon Society ("SBVAS") is a local chapter of the National Audubon Society, a 501(c)3 corporation. The SBVAS chapter area covers almost all of Riverside and San Bernardino Counties and includes the project area. SBVAS has about 2,000 members, about half of whom live in Riverside County. Part of the chapter's mission is to preserve habitat in the area, not just for birds, but for other wildlife, and to maintain the quality of life in the Inland Empire. The chapter has recently produced a booklet highlighting some of the birds that will be adversely affected by this development. (SBVAS 2013).

Int-1-1a

The Sierra Club is a national nonprofit organization of over 732,000 members dedicated to exploring, enjoying, and protecting the wild places of the earth; to practicing and promoting the responsible use of the earth's ecosystems and resources; to educating and enlisting humanity to protect and restore the quality of the natural and human environment; and to using all lawful means to carry out these objectives. Over 193,500 Sierra Club members reside in California. The San Geronio Chapter of the Sierra Club focuses on issues within the inland empire, including western Riverside County.

I. REVISED SECTION 4.4III OF THE RDEIR/SDEIS IS INADEQUATE AND INCONSISTENT

The RDEIR/SDEIS analyzed potential significant air quality impacts of the MCP in Section 3.14 Air Quality and provided a quantitative analysis of potential air quality effects in Chapter 4.0, California Environmental Quality Act Evaluation. In Section 4.4III that appeared in the RDEIR/SDEIS RCTC concluded that there weren't any project effects that would have a significant impact on air quality; rather, project effects either resulted in no impact or a less than significant impact. (RDEIR/SDEIS 4-10). In revised section 4.4III, RCTC concluded that several project effects would have a significant and potentially unavoidable impact on air quality.

Int-1-2

Although the revised 2014 air quality analysis, Section 4.4III, contains a more in-depth analysis than the 2013 RDEIR/SDEIS, it still does not provide an adequate or consistent analysis of the impacts the MCP will have on air quality in the study area.

The air quality impacts analysis in Revised Section 4.4III is inadequate for a number of reasons. First, the air quality analysis is vague and does not specify what is actually included in the analysis. Second, the information used in the air quality analysis is inadequate and inconsistent, and does not utilize accurate methods to disclose air quality impacts. Third, the RDEIR/SDEIS fails to adequately disclose and analyze the Project's impacts on regional air quality. Fourth, the air quality analysis does not include adequate mitigation measures as required by CEQA. Finally, RCTC failed to address concerns raised in comments responding to the RDEIR/SDEIS.

Int-1-2

A. THE ANALYSES IS VAGUE AND UNCLEAR

There are several factors that can influence air quality and should be considered in the analysis, such as an increase in local traffic and construction for displaced homeowners, but the RDEIR/SDEIS fails to adequately disclose and analyze those impacts. Revised Section 4.4III discusses the impacts from short-term construction emissions and long-term operational emissions, but the factors that are included in the long-term operational emissions analysis are not adequately disclosed. For example, one of the stated project purposes is to accommodate Surface Transportation Assistance Act trucks, which can only drive on roads that a part of the National Network. (RDEIR/SDEIS 1-12). However, the air quality analysis does not adequately disclose how these large trucks will have a more substantial impact on air quality than smaller vehicles and if so, to what extent. Given that accommodating these trucks is within the project purposes, RCTC is clearly expecting STAA trucks to drive along MCP frequently and their increased emissions need to be taken into consideration when analyzing long-term emissions. According to EPA, diesel engines—as found in heavy-duty trucks—account for about one-third of NO_x emissions and one-quarter of PM emissions from transportation products. (EPA 2012). The RDEIR/SDEIS does not clearly disclose how such emissions were incorporated into the revised air quality analysis.

Int-1-3

The revised air quality analysis and Chapter 3.14 Air Quality also does not adequately disclose and analyze the impact that an increase in local traffic and construction will have on air quality. For example, Chapter 3.4 Community Impacts of the RDEIR/SDEIS discloses that all of the communities within the MCP study area will be affected by displacements and partial acquisitions, including both residential and business properties. (RDEIR/SDEIS 3.4-34). Depending on the chosen Build Alternative and design variation, the total residential and nonresidential displacements could reach 672, with as many as 2,109 occupants and employees displaced. (RDEIR/SDEIS 3.4-36). This large number of people being displaced from their homes and businesses will result in an increase in local traffic as people will likely need to drive farther away to get to their place of work, drop their children off at school, or run errands, depending on whether it was their business or home that was relocated. Both Alternatives 4 and 5 would result in the permanent closure of a community retail/convenience store that is the only store within several miles of the adjacent community. (RDEIR/SDEIS 3.4-22). Forced closure of

Int-1-4

this local store means many residents will be required to drive farther to get basic necessities, resulting in an increase in emissions.

↑ Int-1-4

The large number of residential and nonresidential displacements also means an increase in the need for single-dwelling units, multi-dwelling units, and businesses. If the need for housing is greater than actual housing available, displaced residents will need to build new homes or developers will build new apartment complexes to accommodate the need. RCTC asserts recent foreclosures and other planned residential land development projects mean several properties are available for relocations. (RDEIR/SDEIS 3.4-46). However, the RDEIR/SDEIS does not even address the possibility that new homes may need to be constructed to accommodate increased demand in housing once residents lose their property. Chapter 3.2 Growth acknowledges that Riverside County is one of the fastest growing counties in the nation and its population is expected to double. (RDEIR/SDEIS 3.2-3), suggesting that the current housing availability will not be enough to accommodate new residents *and* the residents who need to find new housing because of displacement by the MCP.

Int-1-5

Several nonresidential properties will also be acquired in order to build MCP, including stores, dairies, farms, and other agricultural lands. (RDEIR/SDEIS 3.4-26, 3.4-34). The RCTC does not address the availability of business facilities or farmland. It is likely that several owners will need to construct new buildings and ready new land for farming. Constructing buildings for businesses will also result in an increase in emissions that could have significant impacts on air quality. Although the air quality analysis discusses some of the significant effects from short-term MCP construction emissions that analysis fails to adequately consider emissions from construction of new homes and businesses to accommodate displaced owners.

Int-1-6

B. THE INFORMATION RELIED ON IS INACCURATE AND OUT OF DATE

The information relied upon in the revised air quality analysis is inaccurate, outdated, and inconsistent. Revised Section 4.4III relies on information from Chapter 3.14 Air Quality and the *Air Quality Analysis* (March 2012) to analyze the impacts of building MCP on air quality. However, the information provided in Chapter 3.14 Air Quality of the RDEIR/SDEIS was inaccurate and incomplete, rendering an inaccurate analysis in Section 4.4III.

Int-1-7

The carbon monoxide (CO) analysis is done using the methodology explained in the Caltrans Transportation Project-Level Carbon Monoxide Protocol (Protocol), which is not provided in the RDEIR/SDEIS as a Technical Report nor as an Appendix. The analysis ends with a determination that CO concentrations will be lower than those reported and analyzed in the CO attainment plan. (RDEIR/SDEIS 3.14-14). The explanation is lacking, however, for how RCTC came to this conclusion and the analysis should to explain the bases of its conclusions. The Protocol instructs project sponsors to select one of the worst locations in the region with a similar configuration to compare to the build scenario (MCP) and analyze it based on eight conditions provided. (DOT 2010). The analysis in Chapter 3.14 Air Quality asserts each condition is met, but merely reiterates the conditions in the Protocol with the addition of a few customized words mentioning MCP. (RDEIR/SDEIS 3.14-15). An EIR must contain facts and analysis, and cannot merely state the bare conclusions of the agency. *Santiago Cnty. Water Dist.*

Int-1-8

v. Cnty. Of Orange (1981) 118 Cal.App.3d 818, 831. No explanation is provided as to how RCTC reached the conclusions that it asserts—that there will not be a significant impact on CO and no mitigation is necessary. ↑ Int-1-8

The analysis is also unclear regarding which locations within the region it used to compare attainment conditions against MCP to ensure that MCP did not create CO concentrations higher than those already existing in the region. The RCTC concluded the project will not result in higher CO concentrations than those already in the region so the analysis stopped, but because its conclusions aren't supported, RCTC should have moved on to the next step in the analysis. If RCTC had determined CO concentrations would be higher, the next few steps in the analysis to examine levels of service (LOS) and how the project will affect LOS in the study area. (Blumm 2011 at 4-10). If the project will not worsen LOS and is not anticipated to have any other adverse air quality impacts, the analysis would be complete and the conclusion reached would be the same. (*Id.*). Although RCTC may have ultimately come to the same conclusion it already reached, it should have continued on to the LOS analysis rather than stopping short. Because RCTC stopped where it did, its analysis wasn't thorough enough to create an accurate analysis of impacts in Revised Section 4.4III. Int-1-9

The air quality analysis is also inaccurate because RCTC incorrectly assumes that emissions will significantly decrease over time due to EPA regulations. (RDEIR/SDEIS 3.14-35). The analysis assumes that even if vehicle activity increases, emissions will be reduced because of stricter EPA rules regulating vehicle emissions. Although EPA regulations have become stricter concerning vehicle emissions, EPA itself admits air pollution has not been improving as much as it had hoped. (EPA 2012). Individual cars are producing less pollution than they used to, but there are more cars on the road traveling more miles and this increase in vehicles and vehicle miles traveled ("VMT") is negating a decrease in pollution production. (*Id.*). The air quality analysis is conducted with RCTC assuming VMT will increase by 145% (RDEIR/SDEIS 3.14-28), but little explanation or scientific evidence is provided to support RCTC's reliance on EPA regulations to decrease emissions despite this significant increase in VMT. Int-1-10

The MOBILE6.2 model is used to predict Mobile Source Air Toxics ("MSAT") emissions as support for RCTC's conclusion that toxic emissions will be reduced, but RCTC's analysis is inaccurate and incomplete. In its analysis, RCTC notes that information is "incomplete or unavailable to credibly predict the project-specific health impacts due to changes in MSAT emissions associated with a proposed set of highway alternatives" so reliance on the MOBILE6.2 model as support is not justified. (RDEIR/SDEIS 3.14-29). Again acknowledging that MOBILE6.2 may not be the best model to use, RCTC mentions EPA's newer model, MOVES, and notes that MOVES forecasts suggest that MOBILE6.2 significantly underestimates diesel PM emissions and overestimates benzene emissions. (RDEIR/SDEIS 3.14-30). The EPA developed the Motor Vehicle Emission Simulator (MOVES) as a new model to estimate emissions to replace MOBILE6.2 as a more accurate and up-to-date model. (EPA 2013). RCTC clearly recognizes the analysis of MSAT emissions is constantly changing and should have used the more updated model to prevent the uncertainties it claims existed with MOBILE6.2. By not using an accurate model, RCTC violates CEQA's requirement of providing the public with ↓ Int-1-11

detailed information about the effects the MCP is likely to have on the environment. Pub. Res. Code § 21061. This deficiency is particularly problematic in the area of the RDEIR/RDEIS' proper analysis of the impacts of air quality on public health. One of the primary purposes of an EIR is to inform the public "in such a way that it can intelligently weigh the environmental consequences of any contemplated action and have an appropriate voice in the formulation of any decision." *Envtl. Planning & Info. Council v. Cnty. Of El Dorado* (1982) 131 Cal.App.3d 350, 354. The information currently in the RDEIR/SDEIS regarding MSAT emissions does not foster informed public participation because it fails to disclose all diesel PM emissions.

Int-1-11

Another model available to predict emissions trends is EMFAC2011. While MOVES2010b is EPA's approved model for determining CO and PM analyses, EMFAC is used within California for completing PM analyses. (Bromm 2011). The California Air Resources Board issued EMFAC2011 on September 30, 2011 to replace EMFAC2007. (Caltrans 2014). Air quality analyses started since September 2011 should be using EMFAC2011 rather than EMFAC2007; RCTC relies on the *Air Quality Analysis* which was released March 2012 but still uses EMFAC2007. The CO Protocol used also requires the current version of EMFAC to be used when performing CO or any other modeling. (Bromm 2011 at 1); RCTC violates this requirement by using EMFAC 2007 with the Protocol instead of EMFAC2011. EMFAC2011, which is made up of three modules, incorporates new data and methods to estimate emissions from diesel trucks. The module developed to estimate emissions for diesel trucks is based on the Statewide Truck and Bus Rule emissions inventory that was adopted by the Air Resources Board in 2010. EMFAC2011 takes into account emissions data that was not available in 2007 especially with regards to diesel trucks and buses. The data used by the new model satisfies guidance issued by the U.S. Department of Transportation, which requires that vehicle fleet data used in transportation conformity analyses be no older than five years.

Int-1-12

Because RCTC is not using accurate models for predicting emissions, it relies on inaccurate and inconsistent data from every emissions model it used to conclude that certain projects will not have a significant effect. Using scientifically outdated information derived from the earlier models suggests RCTC did not make a reasoned and good faith effort to inform the public about future emissions. *Berkeley Keep Jets Over the Bay Comm. V. Bd. Of Port Comm'r* (2001) 91 Cal.App.4th 1344, 1365-67.

Int-1-13

C. FAILURE TO ADEQUATELY DISCLOSE AND ANALYZE THE PROJECT'S IMPACTS ON REGIONAL AIR QUALITY

The RDEIR/SDEIS fails in its role as an informational document because its discussion of air quality impacts omits information that is essential to an informed evaluation of the Project's impacts. CEQA provides that in discussing the environmental effects of a project, an EIR must include "a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences." CEQA Guidelines § 15151. Here, the EIR's omission of information about the Project's air quality impacts makes informed review and decisionmaking impossible.

Int-1-14

Californians experience the worst air quality in the nation, with annual health and economic impacts estimated at 8,800 deaths and \$71 billion per year. (ALA 2013). The Project is planned upwind of the Coachella Valley that is in non-attainment for both for ozone¹ and particulate matter (“PM”)², pollutants regulated under Clean Air Act’s federal and state ambient air quality standards. The Project will further degrade the region’s air quality by generating considerable emissions from the construction phase through ongoing operations. The RDEIR/SDEIS fails to disclose the Project’s impacts on the Coachella Valley and misleads the public regarding the Project’s significant impacts.

The EIR avoids analyzing whether and to what degree the Project violates or contributes to violations of Coachella Valley’s air quality standards. In the CEQA context courts have emphasized that a comprehensive analysis of air quality impacts is acutely important when a project is in an area that is already experiencing adverse air quality. *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App. 3d 692, 723-724 (limiting scope of analysis impermissibly neglects full consideration of impacts to air quality in an air basin that is not meeting Clean Air Act standards); *Bakersfield Citizens for Local Control v. City of Bakersfield*, (2004) 124 Cal.App.4th 1184, 1214-1218.

Int-1-14

The EIR must analyze whether the Project “[v]iolates *any* air quality standard or contributes substantially to an existing or projected air quality violation.” CEQA Guidelines App. G § III(b)(emphasis added). (See also AR 13: 3857). While the EIR analyzes the Project’s potential conflicts with air quality standards in parts of the SCAB, it fails to analyze either the construction or operation impacts in the Coachella Valley, violating CEQA. CEQA Guidelines § 15125(c) (emphasizing that “the regional setting is critical to the assessment of environmental impacts” to “permit the significant effects of the project to be considered in the full environmental context”). The EIR fails the information-disclosure requirements of CEQA in analyzing the air quality impacts on affected air basins because it fails to account for the Project’s air quality impacts from wind blown emissions into the Coachella Valley and the Project’s contribution of significant vehicle trips into the Coachella Valley.

D. THE ANALYSIS DOES NOT INCLUDE ADEQUATE MITIGATION MEASURES

An agency is required to mitigate or avoid significant effects on the environment from projects that it carries out. Pub. Res. Code § 21002.1(b). The RDEIR/SDEIS must disclose the project’s impacts and measures taken to avoid, mitigate, and minimize those impacts. Pub. Res. Code § 21003.1. The revised sections of the RDEIR fail to meet CEQA’s requirements by not including or adopting adequate mitigation measures.

Int-1-15

Chapter 3.14 Air Quality contains five avoidance, minimization, and/or mitigation measures: AQ-1 through AQ-5. (RDEIR/SDEIS 3.14-43 to -45). Section 4.4III that appeared in

1 Ozone is formed from when the precursor pollutants, nitrous oxide and reactive organic gases, combine in the presence of sunlight. Both ozone precursors are regulated under the Clean Air Act.

2 There are two types of PM regulated under the Clean Air Act. PM₁₀ is particulate matter 10 microns or less in size and PM_{2.5} is particulate matter 2.5 microns or less in size.

the RDEIR/SDEIS discusses implementation of all five of the measures, but the revised sections merely discuss implementing AQ-1 and AQ-2. (RDEIR/SDEIS 4-10; Revised RDEIR 4.4-3). Chapter 3.14 Air Quality is still a part of the RDEIR/SDEIS, but the lack of mitigation measures mentioned in Revised Section 4.4III suggests RCTC no longer intends to implement the measures provided in Chapter 3.14 Air Quality. Measures AQ-1 and AQ-2 are repeated and remain very similar to the original measures, but AQ-3, AQ-4, and AQ-5 are left out of the revised analysis. (Revised RDEIR 4.4-6 to -7). Measure AQ-3 requires the Construction Contractor to provide documentation indicating how construction equipment and other activities that could emit air pollutants will be located away from sensitive populations. (RDEIR/SDEIS 3.14-44 to -45). Measure AQ-4 requires the Construction Contractor to adhere to Caltrans Standard Specifications for Construction, and AQ-5 requires RCTC to remove asbestos-containing materials if the project geologist determines such materials are present during the final pre-construction inspection. (RDEIR/SDEIS 3.14-34).

Int-1-15

All of the measures should have been included, but measure AQ-3 is of particular importance and should not be left out of the project. The RCTC identified several sensitive land uses in the MCP study area including schools, playgrounds, childcare centers, hospitals, and other similar populations. (Revised RDEIR 4.4-1). Aside from identifying that sensitive populations are present within the study area, the revised air quality analysis does not contain any possible measures for avoiding or mitigating air pollutants near the sensitive populations. Mitigation should be considered for every sensitive land use, but mitigation near the affected schools and day care centers especially should be implemented. Alternatives 4 and 5 would involve construction so close to Val Verde High School that 78,095 square feet of portable classrooms will be impacted. (RDEIR/SDEIS 3.4-22) but no mitigation measures are discussed to negate effects of construction and operations on students. The RCTC determined that odors will be short-term and dissipate quickly so no avoidance, mitigation, or minimization measures are required. (Revised RDEIR 4.4-12) but even short-term odors can hinder learning and outdoor play for children. Studies suggest that outdoor air pollution adversely affect children's lung function, which could increase the risk of asthma and chronic obstructive pulmonary disease later in life. (Barrett 2013). Even if a more detailed analysis reveals the impact of short-term construction emissions is less than significant, the school will still be exposed to an increase in emissions due to the nearby roadway. Therefore, adequate mitigation measures should be considered in the RDEIR/SDEIS.

Int-1-16

Because the revised sections of the RDEIR rely on inaccurate and out-of-date data to conduct its air quality analysis, RCTC incorrectly concluded several construction impacts will be less than significant and do not require mitigation. The revised sections of the RDEIR concluded that project effects and potential impacts related to CO emissions, PM emissions, and MSAT emissions will all be below a significant level and therefore avoidance, minimization, or mitigation measures are not required. (Revised RDEIR 4.4-9). These conclusions are based off analyses that rely on out-dated and inaccurate models and the conclusions would likely be different if the correct emissions models had been used.

Int-1-17

There are additional analyses in which RCTC concludes that project impacts will be significant, but impacts are also unavoidable with or without mitigation. After analyzing long-

Int-1-18

term operational emissions, RCTC asserts it does not have the legal authority to control on-road vehicle emissions so there aren't any mitigation measures that can be implemented to reduce emissions below the significance threshold. (Revised RDEIR 4.4-4). As discussed below, this assertion of the RCTC's legal authority to adopt mitigation is incorrect. However, there are still mitigation measures that can be implemented to reduce the impacts of emissions on nearby populations. The EPA has recognized that vegetation present along roadways may help mitigate air pollutants near roads while providing additional benefits such as improved mental health and community vitality. (Baldauf et al. 2011; Kessler 2013). Despite the fact that there *are* mitigation measures RCTC can implement RCTC concludes there is nothing that should be done.

Int-1-18

E. THE ANALYSIS FAILED TO ADDRESS CONCERNS RAISED IN PREVIOUS COMMENTS

The Center, San Bernardino Valley Audubon Society, and Sierra Club and others submitted comments in response to the previous versions of the RDEIR/SDEIS on April 9, 2013. Several issues were raised, including a concern that the RDEIR/SDEIS' air quality analysis was inadequate and inconsistent. The RCTC had the opportunity to address Conservation Groups' concerns with the revised air quality analysis but neglected to do so.

Int-1-19

Commenters noted that RCTC's CO analysis relies on a lapsed SCAQMD attainment plan. The information and analyses in Revised Section 4.4III are based on *Air Quality Analysis* and Chapter 3.14 Air Quality, so while the new air quality analysis is expanded, it relies on the same information from the previous air quality analysis and this concern has not been addressed. Commenters also questioned the lack of scientific basis for the conclusions reached by RCTC in the RDEIR/SDEIS, especially with regards to the emissions impacts. Nonetheless, the analyses in both the RDEIR/SDEIS and revised air quality sections are lacking in scientific support for the conclusions regarding MSAT and PM emissions and more accurate, detailed analyses are required in order for the public to be fully informed.

Int-1-20

Commenters also stated that the RDEIR/SDEIS contains discussion of the locations of sensitive populations in the MCP study area, but there is little to no discussion on the effects of emissions on air quality. The same concern remains despite the revised air quality analysis. The RDEIR/SDEIS failed to fully consider the impacts of short-term construction emissions, and the revised section is lacking in this analysis as well. Lastly, the revised section still fails to consider alternative means to reduce air quality impacts such as HOV lanes or improvements to public transportation.

Int-1-21

II. THE REVISED RDEIR GHG EMISSIONS ANALYSIS AND ASSOCIATED MITIGATION MEASURES IS INCOMPLETE AND INADEQUATE

The Revised RDEIR GHG analysis remains inadequate and incomplete. While the Revised RDEIR does include some additional information and a significance determination, it continues to fail to take into account all sources of GHG emissions resulting from the Project, underestimates the impact the Project will have on statewide emissions and climate change and fails to include all feasible GHG mitigation measures. Despite noting that the Project will impede

Int-1-22

the State's compliance with AB 32 and will have a significant impact on the environment, the Revised RDEIR fails to incorporate a thorough GHG emissions and climate change analysis and avoids adopting any meaningful mitigation measures. (Revised RDEIR 4.5-11.) The Revised RDEIR does little to correct the failure of the RDEIR/SDEIS to comply with CEQA and its regulations.

Int-1-22

A. THE REVISED RDEIR SECTIONS FAILS TO ADEQUATELY ANALYZE GHG EMISSIONS AS REQUIRED BY CEQA

In enacting Assembly Bill 32 (AB 32), the California Global Warming Solutions Act of 2006, the State of California confirmed that "[g]lobal warming poses a serious threat to the economic well-being, public health, natural resources, and the environment of California." Health & Safety Code § 38501(a). Concentrations of greenhouse gases are increasing in the earth's atmosphere, primarily from society's burning of fossil fuels for energy and destruction of forests, which the Revised RDEIR acknowledges. California has set greenhouse gas emission reduction targets in an effort to avoid the catastrophic impacts projected with higher emissions scenarios. AB 32 requires California to return to 1990 levels of greenhouse gas emissions by the year 2020. Health & Safety Code § 38550. Looking beyond 2020, Executive Order S-3-05 sets an emissions reduction target of 80 percent below 1990 levels by 2050. Cal. EO S-3-05, June 1, 2005. The emission reduction targets set by AB 32 and Executive Order S-3-05 are consistent with a trajectory that aims to stabilize atmospheric concentrations of greenhouse gases in order to limit the most harmful effects of climate change.

Int-1-23

In addition to the targets set by AB 32 and Executive Order S-3-05, the Governor's Office of Planning and Research ("OPR") has put forth guidelines requiring thorough and comprehensive analysis of the GHG emissions as part of CEQA. SB 97 (2007), codified as Pub. Res. Code § 21083.05. Specifically, OPR issued a Technical Advisory calling for lead agencies to first "make a good-faith effort, based on available information, to calculate, model, or estimate the amount of CO₂ and other GHG emissions from a project." (OPR 2008). In order to perform the good faith analysis under CEQA the lead agency must include "emissions associated with vehicular traffic, energy consumption, water usage and construction activities." (OPR 2008). Once the total emissions have been calculated the lead agency must determine whether these emissions constitute a significant impact. (OPR 2008).

Here, the Revised RDEIR states that "RCTC has concluded that the proposed project would generate GHG emissions that may have a significant impact on the environment under CEQA" due to the Project's estimated contributions of 1,557,347 metric tons of CO₂ between 2020 and 2040. (Revised RDEIR III-13.) The Revised RDEIR goes on to state that "the proposed build alternatives could delay the State's goal of reducing the GHG emissions to 1990 levels by 2020" and that "the MCP Build Alternatives would result in a significant unavoidable adverse impact due to the generation of GHG emissions." (Revised RDEIR 4.5-12.) Although this analysis provides more information than the RDEIR GHG analysis, it remains inadequate under CEQA.

B. THE SIGNIFICANCE THRESHOLD USED TO ANALYZE GHG EMISSIONS IS VAGUE AND FLAWED

To determine whether an impact is significant, an agency may rely on a “threshold of significance.” CEQA Guidelines § 15064.7(a). Such a threshold should be “an identifiable, quantitative, qualitative or performance level of a particular environmental effect.” *Id.*

§ 15064.7(a). The California Air Pollution Control Officers Association (“CAPCOA”) has issued a “CEQA & Climate Change” white paper intended to serve as a resource to assist lead agencies in analyzing greenhouse gas impacts under CEQA. (CAPCOA 2008). CAPCOA explored various potential approaches to determining significance and then evaluated the effectiveness of each of these approaches. (CAPCOA 2008). In evaluating the effectiveness of its proposed approaches, CAPCOA determined that only a threshold of zero or a threshold of 900 tons of CO₂ equivalent (“CO₂ eq.”) emissions had a “high” GHG emission reduction effectiveness and “high” consistency with the emission reduction targets set forth in AB 32 and Executive Order S-3-05. (CAPCOA 2008). Other methods, such as a 28- 33% reduction from project business-as-usual emissions, had “low” GHG emission reduction effectiveness and consistency with emission reduction targets. (CAPCOA 2008). Because of the cumulative impacts of greenhouse gas emissions, a threshold trending towards zero is most appropriate. However, any “non-zero threshold must be sufficiently stringent to make substantial contributions to reducing the State’s GHG emissions peak, to causing that peak to occur sooner, and to putting California on track to meet its interim (2020) and long-term (2050) emissions reduction targets.” (CARB 2008). Furthermore, CARB emphasized the need for a rigorous performance based measures to determine significance. (CARB 2008).

Int-1-24

Rather than follow the guidance of CAPCOA and other air districts that have adopted quantitative significance thresholds, the thresholds of significance used in the Revised RDEIR are vague and lack adequate information to inform the public. The two thresholds of significance used for the GHG analysis are whether the Project will:

- a) “Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; and/or
- b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases”

(Revised RDEIR, Attachment A at 8 (2014).)

Neither significance threshold includes a clear or quantifiable threshold on which the public can use to understand or consider the true impacts of the Project. Thresholds may be drawn from existing environmental standards, such as other statutes or regulations, compliance with the law is not enough to support a finding of no significant impact under CEQA. *Protect The Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal. App. 4th 1099, 1107. However, “[c]ompliance with the law is not enough to support a finding of no significant impact under the CEQA,” and instead “the EIR’s discussion of impacts must “provide[] sufficient information and analysis to allow the public to discern the basis for the agency’s impact findings. Thus the EIR should set forth specific data, as needed to meaningfully assess whether the proposed activities would result in significant impacts.” *Sierra Club v. Tahoe Reg’l Planning Agency* (2013) 916 F. Supp. 2d 1098, 1146-1147. The Revised RDEIR adopted a significance

threshold that provided little to no information on how the Project specifically would impact GHG emissions. The vague threshold is explained away by RCTC in part by stating “SCAQMD nor Caltrans have established significance thresholds for greenhouse gas emissions for transportation facilities.” (Revised RDEIR, Attachment A at 11 (2014).) However, other agency’s lack of informative and effective significance thresholds does not excuse RCTC failure to adopt one for this Project.

Int-1-24

In addition to adopting significance thresholds that are vague and non-illustrative, the Revised RDEIR fails to fully apply these thresholds to the Project. For example, the analysis for the GHG emissions of the Project is limited largely to emissions between 2020 and 2040. However, California has established long-term emission targets for 2050 under Executive Order S-3-05. Therefore, it is unclear whether this Project will conflict with the 2050 emission reduction goal. Although the Revised RDEIR does conclude “in an abundance of caution...the proposed project would generate GHG emissions that may have a significant impact on the environment,” the level of significance of these impacts and the amount of mitigation needed to alleviate these impacts remain uncertain because of the vague threshold of significance used in the environmental analysis. The public and decision makers are left in the dark in how *much* of an impact this Project will have on statewide GHG emissions and the State’s efforts to address climate change. The flawed significance thresholds used in the GHG analysis, therefore, hamper and taint the subsequent mitigation and alternatives analysis done by the agency.

Int-1-25

C. THE GHG EMISSIONS ANALYSIS FAILS TO INCLUDE ALL SUBSTANTIAL EMISSIONS CONTRIBUTORS

Climate change is a clear example cumulative effects problem, with emissions from numerous sources combining to create a significant environmental and public health issue. *Ctr. for Biological Diversity v. Nat’l Highway Traffic Safety Admin.*, 538 F.3d 1172, 1217 (9th Cir. 2008); (“the impact of greenhouse gas emissions on climate change is precisely the kind of cumulative impacts analysis that NEPA requires agencies to conduct.”); *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 720 (“Perhaps the best example [of a cumulative impact] is air pollution, where thousands of relatively small sources of pollution cause serious a serious environmental health problem.”); *Los Angeles Unified School Dist. v. City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1025 (impact sources may “appear insignificant when considered individually, but assume threatening dimensions when considered collectively with other sources with which they interact”). Therefore, any analysis of a Project’s impact on climate change must take into account *all* potential sources of GHG emissions, no matter how small. Accounting for such emissions and incorporating them into the sum of emissions from the Project is necessary to adequately inform the public of the potential consequences of moving forward with a project.

Int-1-26

As noted in earlier rounds of comments, the GHG analysis included in the RDEIR/SDEIS failed to include all greenhouse gas pollution resulting from the Project. Many of these same omissions are found in the Revised RDEIR. Specifically, emissions from the manufacturing of building materials including concrete and cement—both of which are manufactured through extremely energy intensive processes. (Masanet 2005). Similarly, the Project’s likely use of

water during construction and the potential GHG emissions from the transport of water is not fully analyzed. The Revised RDEIR makes only passing reference to water trucks but lacks the necessary specificity or analysis both when making its significance determination on potential emissions from these and other sources. Without a complete inventory and analysis of greenhouse gas emissions that will result from the project, there is simply no way that the RDEIR/SDEIS can then adequately discuss avoidance and mitigation measures to reduce those impacts.

Int-1-26

III. THE RDEIR/SDEIS FAILS TO ANALYZE A REASONABLE RANGE OF ALTERNATIVES AS REQUIRED BY NEPA

NEPA requires an EIS to include “rigorously explore and objectively evaluate all reasonable alternatives... (and) [d]evote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits.” 40 C.F.R. § 1502.14 (a)-(b). In order to satisfy this requirement, an agency must analyze all reasonable and feasible alternatives that would feasibly achieve the project’s underlying purpose and need. The RDEIR/SDEIS here does not satisfy NEPA’s alternative analysis requirements because it improperly limits the range of available alternatives using an improperly narrow definition of the project’s underlying purpose and it fails to present all feasible alternatives.

Int-1-27

A. THE IMPROPER STATEMENT OF THE PROJECT’S PURPOSE/OBJECTIVES IMPERMISSIBLY LIMITS THE RANGE OF POTENTIALLY FEASIBLE ALTERNATIVES

NEPA requires that lead agencies briefly define the underlying purpose and need of a project. 40 C.F.R. § 1502.13. Project alternatives derive from EIS’s purpose and need section; thus, reviewing court begins by determining whether purpose and need statement was reasonable. *Westlands Water Dist. v. U.S. Dept. of Interior*, 376 F.3d 853 (9th Cir. 2004). Under NEPA, once an agency establishes the objective of its proposed action the agency’s environmental impact statement (EIS) for the proposed action need not provide a detailed study of alternatives that do not accomplish that purpose or objective. *See* 40 C.F.R. §§ 1502.13, 1502.14. *Wyoming v. U.S. Dept. of Agriculture*, 661 F.3d 1209 (10th Cir. 2011). “If the agency constricts the definition of the project’s purpose and thereby excludes what truly are reasonable alternatives, the EIS cannot fulfill its role. Nor can the agency satisfy the Act. 42 U.S.C. § 4332(2)(E).” *Simmons v. U.S. Army Corps of Engineers*, 120 F.3d 664, 666 (7th Cir. 1997); *see also, New York v. United States Dep’t of Transp.*, 715 F.2d 732, 743 (2nd Cir. 1983).

Int-1-28

While the general project purpose, “to provide a transportation facility that would effectively and efficiently accommodate regional west-east movement of people, goods, and services between and through Perris and San Jacinto” would allow for some variation of project alternatives, the further narrowing of the definition of the project purpose unduly limits the purpose and need description of the project. Specifically, five criteria are provided for the purpose and need of the project (1) provide increased capacity to support the forecast travel demand for the 2040 design year, (2) provide a limited access facility, (3) provide roadway geometrics to meet state highway design standards, (4) accommodate Surface Transportation Assistance Act (“STAA”) National Network trucks, and (5) provide a facility that is compatible

with a future multimodal transportation system. (RDEIR/SDEIS at 1-12 – 1-13). This definition of purpose precludes the selection of any alternatives that are not limited access facilities with state highway design standard roadway geometrics and STAA accommodations.

The MCP project was originally a longer road expansion, but was shortened by roughly half in the RDEIR/SDEIS. On July 8, 2009, the RCTC Board formally took action to focus the MCP project between I-215 and SR-79 and to prepare a Recirculated Draft EIR/Supplemental Draft EIS for the modified project. Once the limits of this MCP project were adjusted to cut the project from 32 miles to 16 miles, the alternatives were further limited. The RDEIR/SDEIS includes in its section on project alternatives, a discussion of the development of MCP alternatives beginning in 2004, when the project description encompassed the original, longer freeway project. This improperly narrowed the alternatives analysis for the current project, by omitting feasible alternatives for the 16 mile project because they didn't conform to the alternatives proposed for the 32 mile project. At the end of this attenuated process, the RDEIR/SDEIS reflected only three build alternatives, two "no build" alternatives, and a Section 404 "no action" alternative.

Int-1-28

The build alternatives presented in the RDEIR/SDEIS are strikingly similar. The build alternatives all envision a "six-lane controlled access freeway," all with substantially the same orientation and system interchanges. (RDEIR/SDEIS at 2-8, 2-12). Access (the location of local interchanges), design variations, floodplain impacts, and air quality impacts are all identical among the build alternatives according to the comparison provided. (RDEIR/SDEIS at 2-62 – 2-66). Impacts to many other resources, such as threatened and endangered species, plant communities, Section 4(f) resources, cultural resources, land use, and others are substantially the same. Further reflecting the striking similarity among the alternatives included in the RDEIR/SDEIS, even one of the "no build" alternatives, Alternative 1B, envisions a "six-lane roadway along the Ramona Expressway between I-215 and SR-79. (RDEIR/SDEIS at 2-59).

B. THE IMPROPERLY NARROW RANGE OF ALTERNATIVES PRECLUDES AN ADEQUATE ENVIRONMENTAL ANALYSIS

The analysis of the alternatives presented essentially assesses the alternatives and their overall impacts together as if describing one proposed option for the project, with the occasional mention of slight differences among the alternatives throughout. Unfortunately, the section of the RDEIR/SDEIS devoted to alternatives merely recites in more general terms, the project specifications contained elsewhere in the RDEIR/SDEIS. The actual discussion comparing the differences among the alternatives is relegated to relatively few pages, and while some differences are highlighted by this comparison, on balance, this section highlights the degree of similarity shared by all build alternatives for this project more than it analyzes their differences. (RDEIR/SDEIS at 2-58 – 2-66).

Int-1-29

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C. THE ALTERNATIVES PRESENTED DO NOT CONSTITUTE A REASONABLE RANGE

NEPA requires lead agencies to “rigorously explore and objectively evaluate *all* reasonable alternatives” to a proposed project. 40 C.F.R. § 1502.14(a), emphasis added. The alternatives analysis is commonly called the heart of the EIS environmental review process. 40 C.F.R. § 1502.14. Unless the alternatives presented provide “a clear basis for choice among options by the decisionmaker and the public,” the range of alternatives presented is inadequate. 40 C.F.R. § 1502.14. NEPA provides a “rule of reason” for the consideration of alternatives: *Natural Resources Defense Council, Inc. v. Morton*, 458 F.2d 827(D.C. Cir. 1972).

Int-1-30

The MCP RDEIR/SDEIS fails to analyze any real alternatives to a 6-lane roadway along the same project route. Alternatives such as public transit (rail or bus service), alternatives routes along SR-74, or combinations of smaller road expansions are not considered or analyzed.

1. ALL FEASIBLE ALTERNATIVES ARE NOT INCLUDED IN RDEIR/SDEIS

NEPA requires lead agencies to “rigorously explore and objectively evaluate *all* reasonable alternatives” to a proposed project. 40 C.F.R. § 1502.14(a) (emphasis added). The 9th Circuit Court of Appeals has held, and reaffirmed, “[t]he existence of a viable but unexamined alternative renders an environmental impact statement inadequate” *Citizens for a Better Henderson v. Hodel*, 768 F.2d 1051, 1057 (9th Cir. 1985) (citing *Brooks v. Coleman*, 518 F.2d 17, 18 (9th Cir. 1975); see also *Oregon Natural Desert Ass’n v. Bureau of Land Management*, 625 F.3d 1092 (9th Cir. 2010); *Center for Biological Diversity v. U.S. Dept. of Interior*, 623 F.3d 633 (9th Cir. 2010).

However, the agencies only need to consider alternatives that will aid lead agencies to make reasoned decisions, and “[a]n EIS... need not consider an alternative ‘whose effect cannot be reasonably ascertained, and whose implementation is deemed remote and speculative.’... the touchstone for our inquiry is whether an EIS’s selection and discussion of alternatives fosters informed decision-making and informed public participation.” *State of Cal. v. Block*, 690 F.2d 753, 767 (9th Cir. 1982), quoting and citing *Save Lake Washington*, 641 F.2d at 1334. What alternatives are reasonable depends on the feasibility of the alternative to fulfill the purpose of the project, and “an agency should focus its energies only on the potentially feasible, not the unworkable.” *Simmons v. U.S. Army Corps of Engineers*, 120 F.3d 664, 669 (7th Cir. 1997), citing 40 C.F.R. §§ 1502.14(a)-(c), 1508.25(b)(2).

Int-1-31

Similar to the balancing in *CA v. Block*, the RDEIR/SDEIS for the MCP demands a balancing of the need to meet projected transportation demands against impacts to the unique natural resources in Western Riverside County. *State of Cal. v. Block*, 690 F.2d 753, 767 (9th Cir. 1982). This dilemma can only be reasonably assessed if all potentially feasible, less environmentally damaging means to meet this projected demand are assessed, including not only meeting projected demands, but exploring ways to diminish the demand through expansions to existing freeways, increased public transportation, and policies to incentivize and facilitate the localization of economies. As illustrated below, the RDEIR/SDEIS neglects feasible and

reasonable alternatives. Failure to analyze alternatives other than building a six-lane freeway does not apply intelligently made decisionmaking.

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Int-1-31

IV. THE RDEIR/SDEIS FAILS TO EVALUATE THE COMPETITIVE MERITS OF A REASONABLE RANGE OF ALTERNATIVES AS REQUIRED BY CEQA

A thorough and complete analysis of alternatives is vital to an EIR's purpose of providing the public and government agencies the information needed to make informed decisions, thus protecting "not only the environment but also informed self-government." *In re Bay-Delta etc.* (2008), 43 Cal.4th 1143, 1162 (citing *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564. As courts have noted, "if the EIR is the 'heart' of CEQA, the mitigation and alternatives discussion forms the EIR's 'core.'" *California Oak Foundation v. Regents of University of California* (2010), 188 Cal. App. 4th 227, 274; see also *In re Bay-Delta etc.* (2008), 43 Cal.4th 1143, 1162; *Citizens of Goleta Valley v. Board of Supervisors* (1990), 52 Cal.3d 553, 564. Although "an EIR need not consider every conceivable alternative to a project,... it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation." Guidelines § 15126.6(a). Additionally, the "key to the selection of the range of alternatives is to identify alternatives that meet most of the project's objectives but have a reduced level of environmental impacts." *Watsonville Pilots Assn. v. City of Watsonville* (2010) 183 Cal. App. 4th 1059, 1089. The RDEIR/SDEIS fails to present a reasonable range of alternatives sufficient to allow for informed decisionmaking and to comply with the requirements under CEQA.

Int-1-32

A. THE IMPROPER STATEMENT OF THE PROJECT'S PURPOSE/OBJECTIVES IMPERMISSIBLY LIMITS THE RANGE OF POTENTIALLY FEASIBLE ALTERNATIVES

When developing a reasonable range of alternatives in an alternatives analysis, under CEQA, only alternatives "that the lead agency determines could feasibly attain *most* of the basic objectives of the project" must be considered. 14 C.C.R. § 15126.6(f)). Alternatives need not attain all of a project's stated objectives, therefore, alternatives that do not attain all of the project's stated objectives should be considered, provided they attain most of the project's stated objectives.

Int-1-33

Despite CEQA's use of the word "most", a narrowly-delineated purpose nonetheless limits the range of alternatives. One court described the connection as follows: "An examination of an EIR's alternatives analysis must begin with the project's objectives, for it is these objectives that a proposed alternative must be designed to meet. *In re Bay-Delta, supra*, 43 Cal.4th at p. 1163, 77 Cal.Rptr.3d 578, 184 P.3d 709; Guidelines, § 15124, subd. (b)." *Mount Shasta Bioregional Ecology Ctr. v. Cnty. of Siskiyou*, 210 Cal. App. 4th 184, 196-97, 148 Cal. Rptr. 3d 195, 205 (2012).

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B. THE ALTERNATIVES PRESENTED DO NOT CONSTITUTE A REASONABLE RANGE

CEQA requires an EIR to describe a reasonable range of alternatives sufficient to permit informed decision making and public participation. Under CEQA, an “EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.” 14 C.C.R. § 15126.6 (a). Further, the lead agency must “publicly disclose its reasoning for selecting” its chosen alternatives, and must “focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.” 14 Cal. Code Reg. § 15126.6 (a)-(b).

Int-1-34

1. FEASIBLE ALTERNATIVES ARE NOT INCLUDED IN RDEIR/SDEIS

When developing a reasonable range of alternatives in an alternatives analysis, under CEQA, only alternatives “that the lead agency determines could feasibly attain most of the basic objectives of the project” must be considered. 14 C.C.R. § 15126.6(f). The CEQA guidelines define “feasible” as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” 14 C.C.R. § 15364.

The Revised RDEIR fails to adequately consider alternatives that would effectively address the Project’s impacts. For example, despite acknowledging that the Project “would result in a significant unavoidable adverse impact due to generation of GHG emissions,” the Revised RDEIR includes no additional alternative analysis addressing this significant impact of the Project. (Revised RDEIR 4.5-12.) The Revised RDEIR makes no attempt to consider or adopt alternatives to the Project that would result in lower GHG emissions. The Revised RDEIR includes no discussion on the potential to incorporate GHG emissions reduction measures aimed at reducing vehicle miles traveled, energy use, water consumption, construction and other sources of emissions that could be incorporated into a project alternative. “An EIR’s discussion of alternatives must contain analysis sufficient to allow informed decision making... [and] must include detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project” thereby fostering “meaningful participation and criticism by the public.” *Laurel Heights Improvement Assn. v. Regents of University of California* (1988), 47 Cal. 3d 376, 404. This gap in the Revised RDEIR environmental analysis contravenes CEQA regulations, which make clear that it is the “policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures which will avoid or substantially lessen the significant environmental effects of such projects.” Pub. Res. Code § 21002. By failing to complete the initial step of formulating reasonable alternatives that would address the significant impacts of the Project, the Revised RDEIR is inadequate.

Int-1-35

CEQA next requires the EIR to evaluate the alternatives' "comparative merits" in a manner which "foster[s] meaningful public participation and informed decision-making." 14 C.C.R. § 15126.6 (a). However, if the "alternatives" presented are unreasonably similar, the analysis of their competitive merits will be severely limited. Here, because all build alternatives are essentially the same, a comparison of their competitive merits and environmental impacts is somewhat meaningless. Here, the range of alternatives for the Project has not changed despite the identification of new significant impacts from the Project's GHG emissions.

The RDEIR/SDEIS fails to analyze any real alternatives to a 6-lane roadway through along the same project route. In this presentation of alternatives, the RDEIR/SDEIS fails to consider feasible alternatives that should be included based on the rule of reason, and the similarity of the resulting alternatives precludes meaningful comparison of competitive merits. In developing a range of alternatives, "alternatives considered and rejected during [a] scoping phase cannot be counted in determining whether the EIR has considered and analyzed a reasonable range of alternatives. *Mount Shasta Bioregional Ecology Ctr. v. Cnty. of Siskiyou*, 210 Cal. App. 4th 184, 198 (2012).

Int-1-35

The "no build" alternatives, Alternatives 1A and 1B, do not consider the environment in its pre-project condition, but instead consider speculative conditions forecast into 2040. Alternative 1A considers 2040 traffic levels in a scenario involving current roadway conditions, and Alternative 1B considers 2040 traffic levels in the context of the implementation of the Ramona Expressway consistent with the Riverside County General Plan Circulation Element. (RDEIR/SDEIS 2-59). By failing to compare a reasonable range of alternatives, including Alternatives 1A and 1B, to the existing environmental conditions the EIR relies upon an improper future baseline to avoid a meaningful analysis of the Project's impacts and alternatives. *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439.

2. THE RDEIR/SDEIS IMPROPERLY DISMISSES ALTERNATIVE 1B

CEQA requires an agency to look at alternatives that would meet most project objectives while also addressing the significant impacts of the Project. In light of the Revised RDEIR significance determination for GHG and air quality impacts for short-term construction emissions and long-term operational emissions, the environmental review for the Project should explore additional alternatives that would limit the Project's significant impact on climate change and air quality. (Revised RDEIR III-2-4; III-12-13.) At the time of the RDEIR's alternatives analysis, there was no significance determination on the Project's GHG emissions and air quality impacts. However, now it is clear that the Project as currently planned will result in significant, unavoidable environmental impacts on air quality and climate change. Therefore, RCTC should revisit its alternatives analysis and take into account these significant impacts when determining which alternatives are feasible. Also when redoing its alternative analysis, RCTC should reexamine previously rejected alternatives such as transit improvement oriented alternatives and no build alternatives as well as consider other potentially feasible alternatives.

Int-1-36

For example, only the no build alternatives offered a project design that did not entail a six-lane controlled access freeway. Because all of the other alternatives are similar in scope and

design as the Project, all of the Build Alternatives would involve the same unavoidable GHG emissions and air quality impacts generated by on-road vehicles. However, any alternatives that would not result in the same significant environmental impacts as the Project, namely the no build alternatives, are summarily dismissed as not meeting the defined objectives of the Project.

Therefore, in order to meet the requirements of CEQA to analyze a reasonable range of alternatives that address the Project's significant environmental impact, RCTC should analyze an alternative that would allow some expansion of the road but at a scale less than a six-lane controlled access freeway. For example, a **version of no build alternative 1B** would allow for construction of the Project as a six-lane arterial street that is built in phases to accommodate traffic demand. Such an alternative could be expanded in stages to accommodate growth as it arrives in the area and also provide public transit options including buses and shuttle systems early on in construction. The alternative could also incorporate greater GHG and air quality mitigation measures by including HOV and carpool lanes, on-site energy production, off-site mitigation measures. The smaller footprint of the alternative would also limit the environmental impact on nearby wildlife habitat and corridors.

While this alternative may not meet all of the objectives of the Project, it would meet a majority of the objectives while also providing potentially significant reductions in GHG emissions. CEQA does not require an alternative to fully meet each of the Project objectives in order for an alternative to be considered. As courts have noted, the "key to the selection of the range of alternatives is to identify alternatives that meet most of the project's objectives but have a reduced level of environmental impacts." *Watsonville Pilots Assn. v. City of Watsonville* (2010) 183 Cal. App. 4th 1059, 1089. This alternative would certainly meet the general purpose of the Project, which is to "to provide a transportation facility that would effectively and efficiently accommodate regional west-east movement of people, goods, and services between and through the cities of Perris and San Jacinto." (RDEIR S-5.) Additionally, it would meet most of the Project objectives, including "provide increased capacity to support the forecast travel demand for the 2040 design year" "provide roadway geometrics to meet state highway design standards" and "provide a facility that is compatible with a future multimodal transportation system."

Modified No Build Alternative 1B could accommodate the anticipated needs of local residents while also limiting the environmental and public health harms from the Project. In light of the Revised RDEIR conclusion that the current proposals for the Project will result in significant, unavoidable environmental impacts, the RCTC must examine all reasonable alternatives. However, if the RCTC refuses to consider this alternative because is infeasible, it must "explain in meaningful detail the reasons and facts supporting that conclusion. The analysis must be sufficiently specific to permit informed decision-making and public participation, but the requirement should not be construed unreasonably to defeat projects easily." *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal. App. 4th 957, 982.

The prior range of alternative considered by RCTC was inadequate under CEQA and allowed for few options other than building the Project as planned. Although "an EIR need not consider every conceivable alternative to a project,... it must consider a reasonable range of

Int-1-36

potentially feasible alternatives that will foster informed decision-making and public participation.” Guidelines § 15126.6(a). In light of its revised significance analysis, RCTC should redo its alternative analysis with the goal of adopting an alternative to the Project that limits the significant, unavoidable environmental impacts disclosed in the Revised RDEIR.

Int-1-36

3. THE RDEIR/SDEIS IMPROPERLY DISMISSES EXPRESSWAY ALTERNATIVES PREVIOUSLY SUPPORTED BY RCTC

In addition to the alternatives analyzed in the revised RDEIR, RCTC must also re-examine an alternative to the Mid County Parkway that it previously supported. RCTC has previously proposed alternatives to the Mid County Parkway that are ignored in the current analysis, even their own previously preferred alternatives. For example, in 2002, the RCTC recommended an east- west transportation “[r]oute from Domenigoni Parkway/SR-79, continuing due west from Domenigoni Parkway and then northwesterly generally along the alignment of the San Jacinto Branch rail line to Ethanac Road, along Ethanac Road to SR-74, along SR-74 to the extension of Nichols Road and along Nichols Road to I-15.” (RCIP 2002 at S-6). This alternative route was recommended by RCTC staff in 2002 as “a balanced approach to the provision of important transportation improvements while limiting the impacts on communities and the environment.” (RCTC 2002 at 1).

This alternative, labeled as Alternative 5c by the RCTC, follows a different route than the currently proposed MCP and would impact less wildlife habitat and open space. The RCTC staff took into account potential population growth and increased transportation needs when analyzing and deciding upon Alternative 5c. (RCTC 2002 at 5). Alternative 5c “provide[s] a major alternate access route to the interior of Western Riverside County” and “substantially improve[s] east-west access between Hemet and the Corona/Lake Elsinore areas”, while resulting in less environmental impacts than the proposed MCP. (RCTC 2002 at 9; *see also* RCIP 2002 at S-11-S-17). According to the 2002 RCTC alternatives analysis, Alternative 5c will result in less air quality and biological resources impacts than the proposed MCP.

Int-1-37

Alternative 5c provides a viable alternative to the current MCP Project that meets the needs of the community while limiting the significant environmental impacts of the Project. As the RCTC noted previously, Alternative 5c would require less construction and result in fewer land use impacts. In light of the new significant impacts on the environment disclosed in the revised RDEIR, RCTC should disclose and analyze Alternative 5c in the RDEIR/SDEIS and expand upon its own prior analysis on how to best to meet the transportation needs of the Western Riverside County.

V. THE RDEIR/SDEIS FAILS TO ADOPT ALL FEASIBLE MITIGATION MEASURES

CEQA requires that an EIR must analyze and adopt all feasible mitigation measures to substantially lessen or avoid the otherwise significant environmental impacts of a proposed project. Pub. Res. Code §§21002, 21081(a); 14 Cal Code Regs. §§ 15002(a)(3), 15021(a)(2), 15091(a)(1). Mitigation of a project’s significant impacts is one of the “most important” functions of CEQA. *Sierra Club v. Gilroy City Council* (1990) 222 Cal.App.3d 30, 41.

Int-1-38

Therefore, it is the “policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures which will avoid or substantially lessen the significant environmental effects of such projects.” Pub. Res. Code § 21002. Importantly, mitigation measures must be “fully enforceable through permit conditions, agreements, or other measures” so “that feasible mitigation measures will actually be implemented as a condition of development.” *Federation of Hillside & Canyon Ass’ns v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261. A lead agency “must require feasible mitigation measures for significant freeway traffic impacts, just as it must for other significant impacts.” *Woodward Park Homeowners Assn v. City of Fresno* (2007) 150 Cal.App.4th 683, 723. Only when the mitigation measures are “truly infeasible” can the lead agency reject mitigation measures for significant impacts. *City of Marina v. Board of Trustees of California State University* (2006) 39 Cal. 4th 341, 369.

Int-1-38

As commenters noted previously, the DEIR’s cursory analysis of potential mitigation and avoidance measures are inadequate under CEQA. The Revised RDEIR does little to address this deficiency, despite concluding that the Project’s GHG emissions will result in significant environmental impact. (Revised RDEIR 4.5-12.) The RCTC attempts to avoid mitigation for the impacts of the Project by citing its limited authority to implement potential mitigation measures. For example, RCTC argues it can do little to reduce GHG emissions since the majority of “these emissions [are] generated by on-road vehicles” and “RCTC does not have legal authority to control on-road vehicle emissions.” (Revised RDEIR 4.5-12.) In avoiding this substantive mandate the RDEIR/SDEIS claims that “[b]ecause RCTC does not have the legal authority to control on-road vehicle emissions, there are no measures that can be implemented by RCTC that would reduce [the greenhouse gas impacts] to less than significant. In addition, RCTC lacks the land use authority to construct off-site GHG reducing facilities, such as solar or wind farms, capable of offsetting some or all of the project’s emissions” (RDEIR/SDEIS at Revised Section 4.4, VII-1). The Revised RDEIR then quickly concludes that “there are no measures that can be implemented by RCTC to reduce that impact to less than significant under CEQA.” (Revised RDEIR 4.5-12.) However, as described in further detail below, this argument is unavailing.

Int-1-39

RCTC cannot avoid its CEQA obligation to mitigate the significant impacts of this Project by arguing it lacks the necessary authority, particularly when there are numerous mitigation measures that RCTC can put in place by altering the design of the Project or using their legal authority for transportation projects in Riverside County to include mitigation measures as part of the Project design or off-site. RCTC is an association of local governments in Riverside County, with policy makers consisting of mayors, councilmembers, and county supervisors, and charged with encouraging planning and funding for all of Riverside county’s transit systems, which include Corona Cruiser, Riverside Transit Agency, SunLine Transit Agency, Pass Transit Agency and Palo Verde Valley Transit Agency, and is one of Metrolink’s governing agencies. As a planning and funding agency for all types of transit in the County the RCTC can work to implement public transit options such as bus or rail as part of the project or require offsets for the projects emissions by funding other projects within its jurisdiction. (RCTC 2012, RCTC 2013, RCTC 2014, Caltrans 2013).

Int-1-40

Rather than discuss or analyze potential design changes to the Project, the Revised RDEIR instead point to a series of regional and statewide measures being adopted by other agencies as ways to reduce GHG emissions. (Revised RDEIR 4.5-13-14.) However, RCTC cannot rely on state and regional measures out of its control as viable mitigation for the Project. Instead, RCTC must consider all feasible mitigation measures that it can implement for *this* Project. This approach largely relieves the Project applicant of any independent obligation to adopt needed additional measures to further reduce Project emissions. This outcome flies in the face of the findings in the Scoping Plan, which recognize that local governments "are essential partners" in achieving California's emissions reduction goals. (CARB 2008.)

The Revised RDEIR cites a curtailed list of mitigation measures aimed at reducing GHG emissions and potential climate change impacts from the Project. However, these strategies are severely limited and include landscaping, energy-efficient lighting and complying with California law on restricting idling of construction vehicles to 5 minutes. (Revised RDEIR 4.5-13-14.) Additionally, all of these minor measures were in place prior to the significance determination for GHG emissions. (RDEIR/SDEIS 4-112.) This meager list does not include meaningful mitigation measures specific to the Project or the Project's GHG emissions impacts and includes no enforcement mechanisms. The Revised RDEIR also includes no analysis or information on *how much* GHG emission reduction these measures will result in. The public and decision makers are left with no information on how much, if any, of the Project's estimated 1,557,347 metric tons of CO2 will be mitigated.

Int-1-41

Most troubling of all is that the Revised RDEIR simply ignored and failed to considered the many feasible mitigation and avoidance measures it *could* have adopted and incorporated into the Project to reduce GHG emissions. Feasible mitigation measures to reduce vehicle miles traveled, energy use, waste, water consumption and other sources of emissions could all lower the Project's impact on climate change. CAPCOA has identifies existing and potential mitigation measures that could be applied to projects during the CEQA process to reduce a project's GHG emissions. (CAPCOA 2010). The California Office of the Attorney General also has developed a list of reduction mechanisms to be incorporated through the CEQA process. (California Office of the Attorney General 2010). The Federal Highway Administration has also published the *Reference Sourcebook for Reducing Greenhouse Gas Emissions from Transportation Sources* with helpful mitigation strategies. (DOT 2012.) Additionally, numerous studies have been done on effective mechanisms to reduce GHG emissions from transportation projects. (See Gallivan 2010; Michaelis 1996; Borken-Kleefeld 2009) These resources provide a rich and varied array of mitigation measures to be incorporated in both the programmatic and project level. Potential mitigation measures include the use of carpool or HOV lanes, ease of access to public transit, alternative construction materials, onsite energy generation, and off-site mitigation. Rather than evaluate the many available mitigation measures for transportation projects, the Revised RDEIR includes a paltry list of mitigation measures that fails to meet CEQA's substantive requirement to adopt all feasible mitigation.

Under CEQA, "the public agency bears the burden of affirmatively demonstrating that, notwithstanding a project's impact on the environment, the agency's approval of the proposed project followed meaningful consideration of alternatives and mitigation measures." *Mountain*

Int-1-42

Lion Foundation v. Fish & Game Com. (1997), 16 Cal. 4th 105, 134. Despite the many iterations of environmental analysis done for the Project, meaningful consideration of alternatives and mitigation measures that address the Project's significant impacts has yet to be done.

Int-1-42

CONCLUSION

Because the comments relate to matters that must be included in an adequate EIS/EIR, we hope that the lead agency will consider the totality of the comments in their preparation of the Final EIS/EIR. We also respectfully remind the RCTC that under Public Resources Code § 21167.6(e)(6-7) all written comments received in connection with environmental documents become part of the administrative record for the environmental document and must be considered by the Lead Agencies in preparation, review, and approval of environmental documents. *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199 ("The petitioner may allege as a ground of noncompliance any objection that was presented by any person or entity during the administrative proceedings.")

Int-1-43

The Center for Biological Diversity, San Bernardino Valley Audubon Society, and Sierra Club wish to be placed on the mailing list for all future notices regarding this project. Please mail all notices to CBD at the address listed above (via email at jevans@biologicaldiversity.org); San Bernardino Valley Audubon Society at and P. O. Box 10973, San Bernardino, California 92423-0973; and Sierra Club, San Gorgonio Chapter, Moreno Valley Group, 26711 Ironwood Ave, Moreno Valley, CA. 92555.

Int-1-44

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Thank you for your attention to these comments. We look forward to working to assure that the Project and environmental review conforms to the requirements of state and federal law and to assure that all significant impacts to the environment are fully analyzed, mitigated or avoided. Should you have any questions feel free to contact Jonathan Evans at the contact information listed above.

Sincerely,

A handwritten signature in black ink that reads "Jonathan Evans". The signature is written in a cursive style with a large, looping 'J' and a trailing flourish.

Jonathan Evans
Aruna Prabhala
Dani Bismanovsky
Counsel for Center for Biological Diversity

A handwritten signature in black ink that reads "Drew Feldman". The signature is written in a cursive style with a large, looping 'D' and a trailing flourish.

Drew Feldman
Conservation Chair
San Bernardino Valley Audubon Society

/s/

George Hague
Conservation/Endangered Species Chair
Moreno Valley Group
San Geronio Chapter
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Cc (via e-mail):

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Int-1-1

This comment is an introductory comment to the detailed comments provided in this letter. Please refer to the responses to comments Int-1-2 to Int-1-44, below, for responses regarding the individual comments from the Center for Biological Diversity, San Bernardino Valley Audubon Society, and the Sierra Club (referred to collectively in these responses as the Conservation Groups) on the "Recirculated Sections of Chapter 4.0 (III, Air Quality; VII, Greenhouse Gases; 4.5, Climate Change; and Table 4.10)" provided in this comment letter.

The second paragraph of this comment states the project will "...encourage massive sprawl..." Please note that the "Recirculated Sections of Chapter 4.0" focused specifically on air quality and GHG emissions and did not make any changes to the potential growth-inducing analysis provided in the Recirculated Draft EIR/Supplemental Draft EIS distributed for public review in January 2013. As discussed on page 3.2-9 in Section 3.2, Growth, in the Recirculated Draft EIR/Supplemental Draft EIS, based on review of land development trends in the MCP study area:

"...implementation of the MCP project is expected to have some influence on the location, amount, rate, or type of growth in the area. The basis for this conclusion is that:

- The MCP project will provide improved access to remaining undeveloped lands and agricultural lands. Although much of this land is planned for future development, the MCP project would provide additional transportation system capacity and may accelerate opportunities to convert these lands to nonagricultural and urban uses beyond what is currently occurring;
- Existing land uses (such as vacant, agriculture, and low-density residential) adjacent to and in the vicinity of the proposed local service interchanges may experience additional pressures for conversion from existing rural community land uses to higher density residential and commercial/industrial uses; and
- The MCP project is expected to improve travel times between State Route 79 (SR-79) and Interstate 215 (I-215), which would make surrounding undeveloped and developed lands more accessible and, therefore, more attractive for development or for existing development to be intensified."

The analysis further concludes that "Based on the type of project, being a limited access freeway, growth would have the greatest potential to occur adjacent to proposed interchanges. The amount of growth expected would be dependent upon the amount of undeveloped land in the immediate area of the interchange and subject to land use approvals by the local jurisdictions and any restrictions included in their respective general plans or the MSHCP."

As a result, the Recirculated Draft EIR/Supplemental Draft EIS does conclude that the MCP project would influence growth in the study area but would not "...encourage massive sprawl..." as suggested in this comment.

Please refer to Section 4.8, Comparison of the Alternatives and Identification of the Environmentally Superior Alternative on page 4-146 in the Final EIR/EIS, which provides detailed analysis and discussion of the effects of the No Build and Build Alternatives and the identification of Alternative 9 Modified as the environmentally superior alternative. That analysis is based on the information provided in Chapters 3 and 4 of the Final EIR/EIS, including information from the "Recirculated Sections of Chapter 4.0 (III, Air Quality; VII, Greenhouse Gases; 4.5, Climate Change; and Table 4.10)" that has been incorporated into the Final EIR/EIS.

Int-1-1a

This comment notes the San Bernardino Valley Audubon Society (SBVAS) has prepared a booklet about bird species in the San Jacinto Valley but does not raise a specific issue related to the "Recirculated Sections of Chapter 4.0" which, as noted earlier, focused on air quality and GHG emissions analysis. The SBVAS booklet provides information on three projects it considers threats to bird species and the San Jacinto Valley, including the San Jacinto Wildlife Area: the World Logistics Center, the MCP project, and the Villages of Lakeview. Section 3.25, Cumulative Impacts, in the 2013 Recirculated Draft EIR/Supplemental Draft EIS evaluated the potential for the MCP project, the World Logistics Center, the Villages of Lakeview, and other development in this part of Riverside County to result in cumulative adverse effects on biological resources including protected bird species. Please refer to Sections 3.25.5.10, Animal Species (page 3.25-49) and 3.25.5.11, Threatened and Endangered Species (page 3.25-51) and the table of Regional Species of Concern provided in Appendix N in the Final EIR/EIS.

The booklet described above does not provide any new information of substantial importance. The literature search conducted for the biological resources technical

studies identified special-status species, including some of the bird species identified in the booklet, and addressed those in the table summarizing Regional Species of Special Concern provided in Appendix N. Mountain plover (*Charadrius montanus*) is the only species cited in the booklet that is considered a California Bird Species of Special Concern ("California Department of Fish and Game, Table 1: California Bird Species of Special Concern" [April 2008] as documented at <http://www.dfg.ca.gov/wildlife/nongame/sssc/birds.html>, site accessed November 4, 2014). However, mountain plover was not identified in the MCP project area in the updated CNDDb database search (November 4, 2014) covering the Perris, Lakeview, and San Jacinto 7.5-minute quadrangles. The other species cited in the booklet are not identified as candidate, sensitive, or special-status species by the CDFW or USFWS. In addition, there are no regional plans, policies, or regulations that address additional special-status bird species that may include species cited in the booklet.

Int-1-2

Please refer to the responses to comment Int-1-3 to Int-1-21, below, for responses to the individual comments provided regarding the analysis provided the revised Section III, Air Quality, in the "Recirculated Sections of Chapter 4.0 (III, Air Quality; VII, Greenhouse Gases; 4.5, Climate Change; and Table 4.10)."

Int-1-3

Please refer to the response to comment Int-1-4, below, for discussion regarding the disclosure and analysis of the air quality impacts associated with the increase in local traffic and construction for displaced homeowners.

With regard to Surface Transportation Assistance Act (STAA) trucks, both STAA and California legal trucks can have 48 to 53-foot-long trailers and are limited to a total weight of 80,000 pounds. STAA trucks are permitted to have longer tractors. While STAA trucks are slightly larger than the largest trucks allowed on conventional roads due to the same 80,000-pound weight limit, their traffic and air quality characteristics are not notably different than those typical large trucks which are included in the modeling assumptions (Source: <http://www.dot.ca.gov/hq/traffops/engineering/trucks/> accessed November 19, 2014). As discussed on page 3.6-46 in the Final EIR/EIS, "Intersections and interchanges constructed as part of the MCP project will be designed to accommodate large trucks with wide-turning radii by utilizing the appropriate design vehicle for the type of roadway under consideration. For freeway ramp intersections, the Surface Transportation Assistance Act (STAA) Design Vehicle 50-Foot Radius was used."

This comment references "The Plain English Guide to the Clean Air Act" (United States Environmental Protection Agency [EPA] March 6, 2012). This reference is used to state that one-third of NO_x and one-quarter of PM emissions are generated from transportation products. The analysis provided in the Recirculated Draft EIR/Supplemental Draft EIS does not conflict with this statement. The Recirculated Sections of Chapter 4.0 (III, Air Quality; VII, Greenhouse Gases; and 4.5 Climate Change) fully analyzed the NO_x and PM truck traffic emissions in the project area.

Int-1-4

Section 3.4, Community Impacts, in the Recirculated Draft EIR/Supplemental Draft EIS determined that a sufficient number of comparable replacement dwellings meeting decent, safe, and sanitary standards exists in the study area to provide adequate relocation opportunities for residents and businesses displaced by the MCP project without requiring the construction of replacement housing and nonresidential uses to replace displaced land uses. Therefore, the air quality analysis did not include consideration of the construction of residential and nonresidential land uses to replace existing uses displaced by the MCP project. The air quality emissions provided in Tables 4.III.C, 4.III.D, and 4.III.E in the "Recirculated Sections of Chapter 4.0 (III, Air Quality; VII, Greenhouse Gases; 4.5, Climate Change; and Table 4.10)" were calculated using regional traffic volumes that took into consideration the changes in land uses associated with the MCP project. Therefore, the long-term air quality impacts reflect the proposed displacements. The conclusion in the Recirculated Draft EIR/Supplemental Draft EIS that sufficient replacement housing exists in the MCP study area for displaced residents was reaffirmed in the *Final Relocation Impact Report* (2014) that provided an updated assessment of available relocation resources for residents and businesses displaced by Alternative 9 Modified with the San Jacinto River Bridge Design Variation.

The specific concern regarding the potential increase or decrease in emissions which could result from residents driving to get basic necessities after relocation of the convenience store located on Reservoir Avenue near Lakeview Avenue is an impact that is too speculative to analyze, because:

- It is not possible to determine how many area residents currently patronize this store and how frequently they do so.
- It is unknown where the store would be relocated.

- It is unknown which other stores providing similar goods might open for business in this area between the present day and in the future when the store in question would be relocated.
- It is unknown where the trips are originating from (i.e., relocation of the store may be closer to its existing patrons).
- Similarly, the broader concern raised in this comment that people will need to drive farther to get to their place of work, drop children off at school or run errands depending on whether it was their home or business that was relocated, is also too speculative to analyze because people may actually be relocated closer to their place of work, their children's school, or places where they run errands.

Int-1-5

Please refer to the response to comment Int-1-4, above. Based on the available housing stock in the MCP project area as documented in the *Final Relocation Impact Report* (2014), there is sufficient replacement housing available (to meet the project needs and other potential near-term demand for housing in the area) and no new housing will need to be constructed. The *Final Relocation Impact Report* also documented the availability of sufficient nonresidential properties to replace businesses displaced by the MCP Build Alternatives. Therefore, construction of replacement nonresidential uses displaced by the MCP Build Alternatives was not included in the emissions analysis. Therefore, construction of replacement housing was not included in the emissions analysis.

Int-1-6

The comment states that the MCP project will displace nonresidential properties and that air quality analysis did not evaluate the construction emissions associated with new homes, businesses, and farms. The *Final Relocation Impact Report* (2014) identified that, other than mobile homes, there was sufficient housing and other building stock available for relocating residents and businesses; therefore, there would be no new construction (and construction emissions) associated with housing and business relocations. Relocating mobile homes would not require construction of new mobile homes; it would require finding suitable locations for them to be relocated to.

The *Final Relocation Impact Report* (2014) provides an updated assessment of available relocation resources for residents and businesses (including farms) displaced by Alternative 9 Modified with the San Jacinto River Bridge Design Variation and notes that it may be necessary to search for replacement properties

within a 50-mile radius of the displaced properties. It would be speculative to analyze any air quality impacts due to "...the need to construct new buildings or ready new land for farming..." because:

- It is unknown where any farming operations would be relocated and whether the properties would require construction of new buildings or the readying of new land for farming.
- It is unknown whether any farming operations would choose not to be relocated at all, and would simply accept compensation for the acquisition of land and loss of business.

Int-1-7

Please refer to the responses to comments Int-1-8 to Int-1-13, below, for responses to the individual comments provided regarding the information used in the air quality analysis.

Int-1-8

The statement that the CO analysis included in the Recirculated Draft EIR/ Supplemental Draft EIS is conclusory is incorrect, because the results of the Protocol analysis are discussed on pages 3.14-12 through 3.14-19 of the Recirculated Draft EIR/Supplemental Draft EIS, and those results include specific quantitative information for the MCP project. The CO Protocol is available online at <http://www.dot.ca.gov/hq/env/air/pages/coprot.htm>. The information provided in the subsection titled "Carbon Monoxide" starting on page 3.14-13 in Section 3.14, Air Quality, in the Final EIR/EIS regarding the CO Protocol is an adequate level of detail to explain how CO Protocol was applied to the MCP project. In addition, the CO Protocol is commonly used by Caltrans and other agencies and is readily available online (at <http://www.dot.ca.gov/hq/env/air/pages/coprot.htm>, accessed October 10, 2014). As a result, there was no need to include the CO Protocol as an attachment to the Recirculated Sections of Chapter 4.0.

The CO analysis for the MCP project was conducted in accordance with the Local Analysis flowchart included in Chapter 4 of the CO Protocol. That analysis included a comparison of the traffic volumes and level of service (LOS), meteorology, and geometry of the intersections in the project area to the four intersections evaluated in the 1997 CO Attainment Demonstration (SCAQMD 1997). The four intersections modeled in the CO Attainment Demonstration represented the worst intersections in the area of the Basin with the highest background CO concentrations. It was

determined that, under those worst-case conditions, the federal CO standards would not be exceeded. By comparing the traffic volumes and background CO concentrations in the MCP project area to those modeled as the worst intersections in the Basin in the CO Attainment Demonstration, it was determined that the CO concentrations in the MCP project area would be lower than the concentrations near the intersections in the attainment demonstration. Therefore, as stated in Section 4.7.2 of the CO Protocol there is "...no reason to expect higher concentrations at the location under study." As a result, no further CO hot spot modeling was required.

Int-1-9

The discussion of how the CO analysis was performed is provided on pages 3.14-13 through 3.14-19 in the Final EIR/EIS. That analysis includes Table 3.14.E, which examines LOS at intersections impacted by the MCP project in comparison to the reference intersections in the CO attainment plan (Wilshire Boulevard/Veteran Avenue, Sunset Boulevard/Highland Avenue, La Cienega Boulevard/Century Boulevard, and Long Beach Boulevard/Imperial Highway). It was determined that the LOS and traffic volumes at the intersections impacted by the MCP project would be better than or similar to the volumes and LOS at the referenced intersections in the CO Attainment Plan; therefore, no CO hot spot impacts would occur. Please also refer to the response to comment Int-1-8, above, for a description of the CO hot-spot analysis. Therefore, the analysis of potential CO impacts was not prematurely concluded as asserted by the commenter, but is instead fully supported by substantial evidence and is consistent with the Caltrans CO Protocol.

Int-1-10

The air quality emissions in Tables 4.III.C, 4.III.D, and 4.III.E in the "Recirculated Sections of Chapter 4.0 (III, Air Quality; VII, Greenhouse Gases; 4.5, Climate Change; and Table 4.10)" were calculated using the 2008, 2020, and 2040 EMFAC emission rates. In calculating vehicle emission rates, the EMFAC model takes into consideration the gradual removal of older less efficient vehicles from circulation and the addition of newer vehicles that meet current or approved emission regulations. The factors that go into the EMFAC emission rates including the fleet mix, fuel type, and model year are discussed in detail in Section 3.0 of the EMFAC2007 users guide available at http://www.arb.ca.gov/msei/onroad/downloads/docs/user_guide_emfac2007.pdf. The analyses in the Recirculated Draft EIR/Supplemental Draft EIS and the "Recirculated Sections of Chapter 4.0 (III, Air Quality; VII, Greenhouse Gases; 4.5, Climate Change; and Table 4.10)" did not assume that any additional, unapproved, emission controls would be in place when calculating the

vehicle emissions. Therefore, the analysis takes into account the fact that air pollution has not been improving as quickly as the EPA had anticipated ("The Plain English Guide to the Clean Air Act").

Int-1-11

This comment is incorrect in stating that the MSAT emissions were calculated using the MOBILE6.2 emission model. The emissions were calculated using the EMFAC 2007 model. Neither MOVES nor MOBILE6.2 are approved for use in California.¹ Section 3.14.3.1, Permanent Impacts, in the Recirculated Draft EIR/Supplemental Draft EIS does include references to MOBILE 6.2. However, as discussed on page 3.14-28 in the Final EIR/EIS, "The projected reduction in MSAT emissions would be slightly different in California due to the use of the EMFAC2007 emission model in place of the MOBILE6.2 model." Using the EMFAC2007 emission model, the Recirculated Draft EIR/Supplemental Draft EIS concluded that while the MCP alternatives "...would result in a small increase in localized MSAT emissions compared to the No Build conditions, the EPA's vehicle and fuel regulations, coupled with fleet turnover, will result in substantial reductions over time that will result in regionwide MSAT levels to be substantially lower than they are today." In addition, Table 4.III.G in the "Recirculated Sections of Chapter 4.0" lists the results of the long-term health-risk assessment modeling. As shown, for a resident living within 20 meters (65 feet) of the roadway centerline, the cancer risk threshold of 10 in 1 million and the chronic risk threshold of 1 would not be exceeded by any of the MCP Build Alternatives. Therefore, the proposed project would not result in any adverse health risks to persons near the project, and no mitigation measures would be required.

This comment references EPA's MOVES (Motor Vehicle Emission Simulator) (last updated March 14, 2014). As discussed above, the proposed project used EMFAC for the analysis. Therefore, the MOVES model does not apply to the project analysis.

Int-1-12

This comment states that the *Air Quality Analysis* (March 2012) should have used the EMFAC2011 model in place of the EMFAC2007 model. 40 CFR 93.110 (Criteria and procedures: Latest planning assumptions) states that the analysis must be based on the most recent planning assumptions in force at the time the conformity analysis

¹ EPA, Using MOVES to Prepare Emission Inventories in State Implementation Plans and Transportation Conformity, <http://www.epa.gov/otaq/models/moves/documents/420b12028.pdf> (April 2012).

begins. For transportation conformity purposes, air quality emissions are required to be modeled using the same emissions model used in preparing the State Implementation Plan (SIP). At the time the air quality analysis for the MCP project was prepared, the SIP was based on the 2008 Regional Transportation Plan (RTP) which was modeled using the EMFAC2007 model. Therefore, the air quality analysis for the MCP project used EMFAC2007 instead of EMFAC2011 to be consistent with the model used for the 2008 RTP analyses. The air quality modeling for the MCP project was conducted with ongoing interagency consultation through SCAG's Transportation Conformity Working Group (TCWG), which includes air quality experts from FHWA, Caltrans, USEPA, California Air Resources Board, SCAG, and the South Coast Air Quality Management District. At the TCWG meeting of January 28, 2014, where the TCWG reviewed the air quality modeling results for the preferred alternative (Alternative 9 Modified with the San Jacinto River Bridge Design Variation), the TCWG did not require any additional air quality modeling using EMFAC2011.

The traffic data used for the EIR/EIS were prepared by Iteris in December 2010 and, therefore, meet the 5-year requirement cited in this comment.

This comment references "Memorandum: Using the MOVES and EMFAC Emissions Models in NEPA Evaluations" (Susan E. Bromm, February 8, 2011) and the Caltrans EMFAC model (2014). As discussed above, the proposed project used EMFAC for the analysis.

Int-1-13

Please refer to the responses to comments Int-1-11 and Int-1-12, above.

Int-1-14

As discussed in Section 3.14.2.1, Climate, in the Final EIR/EIS, the MCP project is in the South Coast Air Basin (SCAB) and the Coachella Valley is in the Salton Sea Air Basin (SSAB). Air quality regulation in the SCAB is administered by the South Coast Air Quality Management District (SCAQMD). California is divided geographically into air basins based on areas that have similar meteorological and geographic conditions. The mountain range between the MCP project area and the Coachella Valley would limit any air quality impacts from windblown emissions of the MCP project on the SSAB. The part of the SSAB near the project site is governed by the SCAQMD, the same agency that governs the SCAB, which included the part of Riverside County where the MCP project is proposed. The SCAQMD is on the

distribution list for the MCP project and was provided copies of relevant notices and documents consistent with the requirements of both CEQA and NEPA. It should be noted that SCAQMD did not raise any concerns regarding air quality impacts in the Coachella Valley in their comment letter dated April 11, 2013, on the Recirculated Draft EIR/Supplemental Draft EIS.

It is not clear what facts the commenter is using to conclude that the MCP project will increase vehicle trips in the Coachella Valley. The Coachella Valley is approximately 45 miles from the eastern end of the MCP. With the exception of travelers traveling between Perris/San Jacinto and the Coachella Valley, most travelers would likely not use the MCP facility for those trips. This is because more direct travel paths to/from the Coachella Valley are available via SR-60 and I-10 north of the MCP study area and SR 74/SR 79 south and east of the MCP study area, respectively. Selected segments of parallel freeways included in the traffic impact analysis for the purpose of examining traffic forecasts on those facilities with and without the MCP are shown on Figure 2-6 in the *Traffic Technical Report*. As shown on that figure in the *Traffic Technical Report*, the farthest east freeway segments outside the MCP study area that were considered in the traffic analysis are on SR 60 and SR 79; the study area does not include any segments on I-10. As result, as documented in the discussion of traffic impacts in the *Traffic Technical Report* (February 2012), no increase in traffic on freeways in the Coachella Valley was identified in the traffic modeling and analysis.

The SCAQMD has adopted the same construction significance thresholds for both the SSAB and the SCAB, Therefore, the conclusions included in the EIR/EIS apply to both these air basins.

This comment references the "State of the Air" (American Lung Association 2013), which is a general reference to the poor air quality in California that does not specifically apply to the project site.

Int-1-15

It is incorrect to assume that because some air quality measures in the Recirculated Draft EIR/Supplemental Draft EIS were not mentioned in the "Recirculated Sections of Chapter 4.0 (III, Air Quality; VII, Greenhouse Gases; 4.5, Climate Change; and Table 4.10)" that those measures were no longer included in the MCP project. Please note that all the mitigation measures cited in Section 3.14, Air Quality, in the Recirculated Draft EIR/Supplemental Draft EIS are included in this Final EIR/EIS

and will be implemented as part of the MCP project. This includes Measures AQ-1 through AQ-5 (with Measures AQ-1 and AQ-2 modified as shown in the revised Section III, Air Quality, in Chapter 4 in the Final EIR/EIS). The air quality and greenhouse gas (GHG) analyses provided in the "Recirculated Sections of Chapter 4.0" are in addition to the air quality and GHG analyses provided in Chapter 4, California Environmental Quality Act Evaluation, under the California Environmental Quality Act (CEQA) in the 2008 Draft EIR/Draft EIS and the 2013 Recirculated Draft EIR/Supplemental Draft EIS. Measures AQ-1 and AQ-2 from the Recirculated Draft EIR/Supplemental Draft EIS are cited in the air quality analysis in Section III, Air Quality, in the "Recirculated Sections of Chapter 4.0" particularly to address short-term particulate air quality effects during construction. Measures AQ-3 through AQ-5 in the Recirculated Draft EIR/Supplemental Draft EIS would also apply during construction of the MCP project.

For convenience, the language of Measures AQ-1 through AQ-5 is provided in Attachment V.1, Air Quality Measures, in this responses to comments appendix. Please note that the language of Measures AQ-1 and AQ-2 in the "Recirculated Sections of Chapter 4.0" was modified slightly from the language of those measures in the Recirculated Draft EIR/Supplemental Draft EIS. The language of the measures in Attachment V.1 includes the modified language of Measures AQ-1 and AQ-2 from the "Recirculated Sections of Chapter 4.0."

Int-1-16

Please refer to the response to comment Int-1-15, above, for discussion of the applicability of the mitigation measures not included in the "Recirculated Sections of Chapter 4.0 (III, Air Quality; VII, Greenhouse Gases; and 4.5, Climate Change)" to the MCP project.

Tables 4.III.F and 4.III.G in Revised Section 4.4, III. Air Quality, in the "Recirculated Sections of Chapter 4.0 (III, Air Quality; VII, Greenhouse Gases; 4.5, Climate Change; and Table 4.10)" list the results of the short-term construction and long-term operational health risk assessment modeling. As shown, the MCP project would not result in short- or long-term health impacts and, as a result, no mitigation is required. Val Verde High School is within 200 feet of the construction area for Alternative 9 Modified. Based on the results of the health risk assessment listed in Table 4.III.F in the "Recirculated Sections of Chapter 4.0," the health risk at the location from MCP construction would be 3.4 in 1 million. This is lower than the 10 in 1 million

threshold. Therefore, the MCP Build Alternatives would not result in health risk impacts at Val Verde High School or other sensitive land uses in the project area.

This comment references the effects of Alternatives 4 and 5 Modified on Val Verde High School. Alternative 9 Modified with the SJRB DV has been identified as the preferred alternative (i.e., the "project" under CEQA); therefore, any adverse effects resulting from Alternatives 4 and 5 Modified would not occur with the MCP project.

The comment references "Small Changes, Big Impact: Exposure to Air Pollution and Reduced Lung Function in Children, Environmental Health Perspectives" (Julia R. Barrett, November-December 2013). As discussed above, the proposed project would not result in any short- or long-term health impacts including potential health impacts to children and, therefore, the cited Environmental Health Perspective article would not be applicable. In addition, with regard to the commenter's concern about the effect of odors, Table 1-4 of the *Air Quality and Land Use Handbook: A Community Health Perspective* (California Environmental Protection Agency and California Air Resources Board, April 2005) does not list construction or operation of freeways and highways as a typical source of odor complaints. This supports the conclusion of the "Recirculated Sections of Chapter 4.0" that odor impacts from the MCP project would be less than significant.

Int-1-17

Please refer to the responses to comments Int-1-11 and Int-1-12, above.

Int-1-18

As discussed on page 4.5-12 of Revised Section 4.5, Climate Change, in the "Recirculated Sections of Chapter 4.0 (III, Air Quality; VII, Greenhouse Gases; 4.5, Climate Change; and Table 4.10):

"The majority (up to 99 percent as shown in Table 4.5.C) of these emissions [greenhouse gas emissions] is generated by on-road vehicles. Because RCTC does not have the legal authority to control on-road vehicle emissions, there are no measures that can be implemented by RCTC to reduce that impact to less than significant under CEQA. In addition, RCTC lacks the land use authority to construct off-site GHG [greenhouse gas] reducing facilities, such as solar or wind farms, capable of offsetting some or all of the project's GHG emissions. Planting even a few acres of forest in this area of western Riverside County is not a feasible mitigation measure because

extensive irrigation would be required to establish and maintain a forest in a semi-arid area that is dominated by non-forest native plant communities, such as chaparral and Riversidean sage scrub. The average annual rainfall in the Perris area is approximately 11 inches per year, while average annual rainfall in the San Jacinto Mountains at elevations where forests occur (i.e., 5,000 feet above mean sea level) is approximately 30 inches per year. Therefore, the MCP Build Alternatives would result in a significant unavoidable adverse impact due to generation of GHG emissions.”

Using the calculator provided by the EPA (<http://www.epa.gov/cleanenergy/energy-resources/calculator.html>), it is estimated that over 110,000 acres (172 square miles) of forest would be required to offset the GHG impact of the MCP project. In addition, young trees (under 10 years of age) do not sequester as much carbon as fully grown forests. Planting even a few acres of forest in this area of western Riverside County is not a feasible mitigation measure because extensive irrigation would be required to establish and maintain a forest in a semi-arid area that is dominated by non-forest native plant communities, such as chaparral and Riversidean sage scrub. The average annual rainfall in the Perris area is approximately 11 inches per year, while average annual rainfall in the San Jacinto Mountains at elevations where forests occur (i.e., 5,000 feet above mean sea level) is approximately 30 inches per year. In addition, the installation of irrigation facilities for that large an area would require extensive trenching and construction which would result in additional air quality and GHG emissions. Therefore, although landscaping will be implemented for the project in accordance with Measures VIS-5 and VIS-6 on page 3.7-69 in this Final EIR/EIS, the effect of the landscaping and ground cover provided within the MCP project limits on GHG would be negligible.

As shown in Tables 4.III.C through 4.III.E of Revised Section 4.3, Air Quality, in the “Recirculated Sections of Chapter 4.0,” the long-term air quality impacts associated with the proposed project are due to on-road vehicles. As discussed above, because RCTC does not have the legal authority to control on-road vehicle emissions, there are no measures that can be implemented by the RCTC to reduce that impact to less than significant under CEQA.

This comment references “The Role of Vegetation in Mitigating Air Quality Impacts from Traffic Emissions” (Baldauf et al., January 2011) and “Green Walls Could Cut Street-Canyon Air Pollution, Environmental Health Perspectives” (Rebecca Kessler

January 2013). As discussed in the response to comment Int-1-16, above, the proposed project would not result in short- or long-term health impacts. Therefore, vegetation along the proposed road is not required.

Int-1-19

Please note that the responses to the comments submitted by the Conservation Groups on the Recirculated Draft EIR/Supplemental Draft EIS dated April 9, 2013, are provided in Appendix S, Responses to Comments on the Recirculated Draft EIR/Supplemental Draft EIS, in this Final EIR/EIS. As discussed on page 1-2 in the "Recirculated Sections of Chapter 4.0 (III, Air Quality; VII, Greenhouse Gases; 4.5, Climate Change; and Table 4.10)," those recirculated sections of the EIR/EIS specifically focus on additional quantitative analysis of the potential construction-related air emissions of the MCP project Build Alternatives and analysis supporting a determination of significance of project-related greenhouse gas (GHG) emissions under CEQA. The "Recirculated Sections of Chapter 4.0 (III, Air Quality; VII, Greenhouse Gases; 4.5, Climate Change; and Table 4.10)" did not and were not intended to be the sole response to comments received on the Recirculated Draft EIR/Supplemental Draft EIS.

Int-1-20

This comment states that the CO analysis relied on a lapsed SCAQMD attainment plan. The 2003 Air Quality Management Plan (AQMP) did replace the 1997 CO Attainment Demonstration, and the SCAQMD did submit a Carbon Monoxide Redesignation Request and Maintenance Plan in 2005. However, those plans did not include modeling of the CO concentration at the worst-case intersections in the SCAB. The 1997 Attainment Demonstration included detailed CO hot-spot modeling of four intersections in the SCAB. That modeling included the level-of-service, vehicle speed, turning movements, and total intersection volumes. That data is required to complete the qualitative CO hot-spot analysis required in the Caltrans Transportation Project-Level Carbon Monoxide Protocol (University of California, Davis, December 1997). Therefore, the 1997 CO Attainment Demonstration is the only available source of data required by the Caltrans CO Protocol.

The comment does not provide any specific comments regarding the alleged lack of scientific support for the analysis. As a result, no further response to this part of this comment is required.

The MSAT analysis described in Section 3.14, Air Quality, in the Final EIR/EIS indicates that the 2020 and 2040 MSAT emissions in the study area under the MCP Build Alternatives would be very similar to the MSAT emissions under the No Build Alternatives and much lower than existing conditions, largely due to improvements resulting from stricter EPA engine and fuel regulations. Therefore, the MCP Build Alternatives and their design variations would result in less than significant impacts related to MSAT emissions under CEQA.

Detailed PM_{2.5} and PM₁₀ hot-spot analyses were submitted to and reviewed by the Transportation Conformity Working Group (TCWG) on June 14, 2011, and June 28, 2011, respectively. The TCWG determined that changes to PM_{2.5} and PM₁₀ emissions levels associated with the MCP project would not result in new violations of the federal ambient air quality standards.

Int-1-21

Please refer to response to comment Int-1-16, above, for discussion regarding construction emissions impacts on local sensitive receptors.

This comment also requests that the following alternative means be considered to reduce regional air quality impacts:

HOV Lanes: High occupancy vehicle (HOV) lanes can reduce vehicle miles traveled in corridors with very high traffic volumes and high levels of congestion in the general purpose lanes, such as the segment of State Route 91 from approximately State Route 55 in Orange County to I-15 in Riverside County. While the MCP project could be constructed with only HOV lanes (and no general purpose lanes), that type of facility would likely not effectively serve the existing and forecasted east-west demand in this part of western Riverside County because only part of that demand is for HOVs. Adding HOV lanes to an existing facility such as Ramona Expressway could serve some of the identified east-west demand, but like an HOV lane-only facility, would not effectively serve the majority of the east-west demand in this part of western Riverside County. This is because, as discussed in Section 2.5.6, HOV and Park-and-Ride Facilities, in the original Draft EIR/EIS (October 2008), "No HOV lanes or park-and-ride facilities are proposed as part of the MCP Build Alternatives since no traffic congestion is expected on the MCP facility through the horizon year of 2035. However, the proposed

design of any of the MCP Build Alternatives would not preclude future HOV lanes or park-and-ride facility projects.”

Improvements to Public Transportation Infrastructure: Please refer to the response to comment IP-6-13, in Appendix S, Responses to Comments on the Recirculated Draft EIR/Supplemental Draft EIS, in this Final EIR/EIS, for detailed discussion of transit services and the Transit Oasis concept. These transit options would not meet the project objectives to provide increased capacity to support the forecasted travel demand for the 2040 design year and to provide a limited access facility. As a result, they would not be reasonable alternatives to the MCP project. Please also refer to the response to comment IP-6-5 in Appendix S which discusses the approved Perris Valley Line project, the Downtown Perris Station, and the South Perris Station, and why those improvements would not effectively serve the east-west demand in western Riverside County. Because this comment does not identify any specific improvements to public transit services that should be further addressed, no further response is required.

Int-1-22

Please refer to the responses to comments Int-1-23 to Int-1-26, below, for responses to the individual comments provided regarding the GHG emissions analysis and mitigation.

Int-1-23

This comment summarizes various laws and states that “...although the analysis provides more information than the Recirculated Draft EIR GHG analysis, it remains inadequate under CEQA.” The comment does not identify what specifically in the commenter’s opinion makes the GHG analysis inadequate under CEQA. The GHG analysis presented in the revised Recirculated Draft EIR/Supplemental Draft EIS is fully adequate under CEQA because it provides a quantitative estimate of GHG emissions, makes a determination of significance in comparison to the GHG targets set by AB 32, and discusses the feasibility of mitigation to offset significant GHG impacts.

The greenhouse gas analysis included emissions associated with vehicular traffic, energy consumption, water usage, construction, and other activities. Section 4.5.1.6 in the “Recirculated Sections of Chapter 4.0” concluded that the long-term increase in GHG emissions would conflict with the reduction goals in Executive Order S-3-05.

This section further explains that RCTC lacks the land use authority to construct potential mitigation measures in the form of GHG-reducing facilities such as solar farms or wind farms; therefore, RCTC concluded that the project would result in a significant unavoidable global climate change impact. Therefore, the project complied with the requirements of "CEQA and Climate Change: Addressing Climate Change Through California Environmental Quality Act" (Office of Planning and Research, June 19, 2008).

Int-1-24

This comment states that the CEQA threshold of significance used in analyzing the project's GHG impacts is vague and flawed. The comment references several numeric thresholds including 0 and 900 tons of CO₂e or a 28-33 percent reduction from business as usual that have been recommended by CAPCOA ("White Paper on CEQA and Climate Change," January 2008) and CARB ("Climate Change Scoping Plan," December 2008). Although not referenced in the comment, the SCAQMD (2011) and California Air Resources Board (Page 4, Attachment A, and Attachment B of the *Preliminary Draft Staff Proposal-Recommended Approaches for Setting Interim Significance Thresholds for Greenhouse Gases under the California Environmental Quality Act*, 2008) have considered numeric thresholds in the project area. However, these proposed thresholds are intended to be used for commercial, residential, and industrial facilities and not for highways.¹ Therefore, RCTC used the CEQA Guidelines to determine the significant effects of the MCP Build Alternatives and their design variations related to GHG emissions. It should be noted that using any of the thresholds listed in the comment would result in the same conclusion of significant and unavoidable GHG emissions as a result of the MCP project as documented in the "Recirculated Sections of Chapter 4.0 (III, Air Quality; VII, Greenhouse Gases; 4.5, Climate Change; and Table 4.10)." The ARB and SCAQMD thresholds range from 1,600 to 10,000 metric tons of CO₂e per year. The MCP Build Alternatives would add 1,557,347 metric tons of CO₂ in the project area over a 20-year period or approximately 78,000 metric tons per year.

¹ Sources: <http://sfprod.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/ghg-significance-thresholds>; <http://sfprod.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf?sfvrsn=2>; and <http://www.arb.ca.gov/cc/localgov/ceqa/meetings/102708/prelimdraftproposal102408.pdf>.

Section 4.5.1.1 in the "Recirculated Sections of Chapter 4.0" established that the MCP Build Alternatives and their design variations would result in significant adverse effects under CEQA related to GHG emissions if they conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions. Section 4.5.1.6 in the "Recirculated Sections of Chapter 4.0" concluded that the long-term increase in GHG emissions under the MCP Build Alternatives would conflict with the GHG reduction goals in Executive Order S-3-05. Therefore, the analysis determined that the MCP project would result in a significant unavoidable adverse impact related to global climate change.

The CAPCOA "White Paper on CEQA and Climate Change" referenced in this comment does not include specific GHG significance thresholds that apply to transportation projects.

Int-1-25

The EMFAC emission model does not provide rates for 2050 and the traffic analysis did not provide regional traffic data for the project area in 2050. In addition, there are no models approved for use in California that include statewide emission rates for 2050. Therefore, it is not possible to accurately calculate the numerical magnitude of the project's contribution to the State's 2050 GHG emission levels. However, based on the data listed in Table 4.5.A in the "Recirculated Sections of Chapter 4.0 (III, Air Quality; VII, Greenhouse Gases; 4.5, Climate Change; and Table 4.10)," by 2050, the project's contribution to the regional GHG emissions would increase to approximately 145,272,600 pounds per day (lbs/day), an increase of 779,500 lbs/day over the No Build conditions. Therefore, in 2050, the project would continue to contribute to a significant increase in GHG emissions under CEQA.

The comment also states that the analysis did not quantify the magnitude of the GHG impact. As noted above, the analysis does disclose numerical project emissions and identifies the magnitude of the increases in emissions. However, the analysis used a qualitative approach in determining the significance of the proposed project's impacts under CEQA. Section 4.5.1.1 in the "Recirculated Sections of Chapter 4.0" established that the MCP Build Alternatives and their design variations would result in significant adverse effects under CEQA related to GHG emissions if they conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions. Because the MCP Build Alternatives would increase the regional GHG emissions, it was determined that they would conflict with the goals of

Executive Order S-3-05 and would, therefore, result in a significant GHG impact under CEQA.

Int-1-26

As discussed on page 4.5-9 in the "Recirculated Sections of Chapter 4.0 (III, Air Quality; VII, Greenhouse Gases; 4.5, Climate Change; and Table 4.10)," the construction emissions listed in Table 4.5.B include emissions generated by material deliveries, worker trips, soil import and export, water trucks, generators, pumps, signal boards, and off-road equipment such as graders, scrapers, and loaders. The emissions listed in Table 4.5.B include emissions generated by workers commuting to and from the project site and vehicles transporting soil and building materials. The construction emissions include the use of trucks to transport water to the project site. Emissions associated with outsourced activities or contractors would be accounted for in these calculations. Therefore, the construction emissions analysis meets the requirements of the California Office of Planning and Research's Technical Advisory, *CEQA and Climate Change: Addressing Climate Change through California Environmental Quality Act Review* (June 17, 2008).

Page 135 in the Caltrans EIR/EIS Annotated Outline (August 2013) states that construction emissions include material processing and handling, on-site construction equipment, and traffic delays. Lifecycle emissions associated with the manufacture of the building materials were not included in the construction emissions because they are assumed to be the responsibility of the manufacturer (e.g., the cement plants and metal refineries).

As discussed in FHWA's *Handbook for Estimating Greenhouse Gases for Integration into the Planning Process* published in 2014 (http://www.fhwa.dot.gov/environment/climate_change/mitigation/publications_and_tools/ghg_handbook/chapter08.cfm#sec8.1), neither lifecycle emissions nor construction and maintenance emissions have comprehensive, agreed-upon methodologies that are widely accepted for use in transportation planning. In addition, the construction contractor, manufacturers, and source of building materials are currently unknown. Therefore, absent standard methodologies for analysis, it would be speculative to attempt to estimate the lifecycle emissions associated with the MCP project. However, as stated in Section 4.5.1.6, CEQA Conclusion, of the Final EIR/EIS, if available, local materials will be used for project construction and demolished construction materials will be reused/recycled.

Because its recommendations are focused at a policy-level and not a project-level, the lifecycle optimization referenced in "Reducing California's Greenhouse Gas Emissions through Product Life-Cycle Optimization" (Masanet et al. 2005) does not apply to the proposed project.

Int-1-27

Please refer to the responses to comments Int-1-28 to Int-1-37, below, for responses to the individual comments provided regarding consideration of alternatives.

Comments Int-1-28 through Int-1-37 raise issues regarding the project purpose and need and the definition of alternatives based on the defined project purpose and need. These comments largely duplicate comments made by the Conservation Groups on the Recirculated Draft EIR/Supplemental Draft EIS (refer to comment letter IP-6 and the responses to the comments in that comment letter provided in Appendix S of this Final EIR/EIS). Nonetheless, responses to comments Int-1-28 through Int-1-37 are provided below, even where they duplicate previous comments and responses.

Int-1-28

Please refer to the response to comment IP-6-9 in Appendix S, because comment IP-6-9 had the same concerns as comment Int-1-28 regarding limiting the range of potentially feasible alternatives.

Please also refer to the response to comment IP-6-2 in Appendix S for a detailed discussion regarding the history of planning and environmental studies for a broad range of transportation improvements in the geographic area described as western Riverside County. That process resulted in the identification of the need for a west-east freeway, referred to as the MCP project, in western Riverside County.

Please note that the project purpose as stated in Section 1.3.1, Project Purpose, on page 1-14 in the Final EIR/EIS, reads: "The purpose of the proposed action is to provide a *transportation facility* (emphasis added) that would effectively and efficiently accommodate regional west-east movement of people, goods, and services between and through Perris and San Jacinto." Based on the earlier planning and environmental studies, the MCP project, as a freeway facility, was identified for evaluation in the current project level EIR/EIS. The Community and Environmental Transportation Acceptability Process (CETAP) process for the Hemet to Corona/Lake Elsinore Corridor considered a range of modal alternatives including conventional freeways, freeways with HOV lanes, rail transit, and bus transit. As documented in *Alternatives Recommended to be Carried Forward into the CEQA/NEPA Process for*

the CETAP Hemet to Corona/Lake Elsinore Corridor, December 20, 2000 (http://www.rcip.org/pdf_files/transportation/AlternativesNEPA404HemtoCor.PDF), the highway alternatives for the Hemet to Corona/Lake Elsinore Corridor that were carried forward into the programmatic Tier I EIS/EIR for that project (which ultimately led to the MCP project level EIR/EIS), were done so as one component of a comprehensive multi-modal vision for transportation in western Riverside County. This paper describes various rail and other transit initiatives (such as the Perris Valley Line rail corridor) that have since been undertaken by RCTC as separate projects. Therefore, the purpose for the project, defined in Section 1.3.1, was sufficiently broad to address regional transportation needs and to consider several freeway and road improvement alternatives, consistent with the recommendations of the paper cited above.

While the Build Alternatives evaluated in the Final EIR/EIS are highway alternatives, it is important to note that the earlier study phases considered other alternatives. This comment generally summarizes key steps in the process for planning transportation improvements in western Riverside County. As discussed in detail in Chapter 1.0, Proposed Project, RCTC initiated engineering and environmental studies in 2004 for the MCP project, proposed as a 32 mile long facility between Interstate 15 (I-15) and SR-79. In October 2008, the Draft EIR/EIS for the MCP project was circulated for public review. The following two key themes emerged in the public review comments on that Draft EIR/EIS:

1. Concern about the cost and timing of available funds for the project.
2. Suggestions to improve existing facilities rather than building the MCP facility, which would be a better expenditure of public funds in the west part of the project area between I-15 and I-215. Specifically, many comments noted that in this area, improving existing facilities such as Cajalco Road instead of building the MCP facility would minimize impacts to rural communities and existing habitat reserves.

In early 2009, RCTC (the lead agency under CEQA), the Federal Highway Administration (FHWA) (the lead agency under NEPA), and the California Department of Transportation (Caltrans) developed an approach for completing the EIR/EIS process for the MCP project, by modifying the MCP project limits from a 32 mile long facility (I-15 to SR-79) to a 16-mile long facility (I-215 to SR-79) to focus transportation funding and improvements where the need is the greatest, between I-215 and SR-79, along/near existing facilities (i.e., Ramona Expressway) where

feasible. The Recirculated Draft EIR/Supplemental Draft EIS for the modified MCP Build Alternatives was circulated for public review in January 2013. As a result, the currently proposed MCP project is a 16-mile long facility. It should be noted that improvements to west, between SR-215 and I-15, are expected to be constructed by other agencies based on the Circulation Elements in the adopted local general plans.

The range of alternatives was not improperly narrowed for the modified 16-mile MCP project between I-215 and SR-79 as compared to the original 32-mile MCP project between I-15 and SR-79, because as stated above, the consideration of other modal options had already been given full consideration as part of the CETAP process for the Hemet to Corona/Lake Elsinore Corridor. With regard to considering alternatives that reduce environmental impacts, as discussed in Section 2.2.2, Alternatives Refinement, in the Draft EIR/EIS (October 2008) and in Section 2.2.1, Development of MCP Alternatives, in the Recirculated Draft EIR/Supplemental Draft EIS (January 2013), RCTC has engaged in a continuous process with its transportation and resource agency partners as well as the affected communities to refine the project alternatives to avoid and minimize impacts to the human and natural environment.

Int-1-29

This comment notes that the summary of the impacts of the alternatives provided in Table 2.4.B on page 2-71 in the Final EIR/EIS indicates that the impacts of the alternatives are similar. This is because they propose similar facilities on similar alignments. Table 2.4.B shows both similarities and differences in the impacts of the three Build Alternatives and compares those effects to the effects under the No Build Alternative. For example, Table 2.4.B shows there are differences among the alternatives in the acreages of permanent and temporary impacts to CDFW and USACE waters; stream crossings, maximum disturbance areas, and acreages of new pavement; impacts to Stephens' kangaroo rat habitat and plant communities; impacts to farmlands; numbers of residential and nonresidential property acquisitions and displacements of residents, businesses, and employees; impacts on schools; and the numbers and lengths of noise barriers. Please also refer to response to comment IP-6-15 in Appendix S, because IP-6-15 raised the same concerns as comment Int-1-29 regarding the range of alternatives precluding adequate environmental analysis.

Other alternatives were evaluated in earlier project phases (refer to the project history provided in Chapter 1.0, Proposed Project, in the Final EIR/EIS) including a wide range of alternatives that were not carried forward for detailed analysis in this

EIR/EIS because they had greater impacts than the alternatives that were carried forward. Some of those alternatives and why they were not carried forward are:

- **North Lake Mathews/North Perris Alternative:** This alternative, which proposed a six- to eight-lane, limited-access facility north of Lake Mathews and a north alignment through Perris, was eliminated due to engineering safety concerns regarding proximity to Lake Perris Dam, Cajalco Dam, and Metropolitan Water District of Southern California (Metropolitan) facilities.
- **North Lake Mathews/South Perris Alternative:** This alternative, which proposed a six- to eight-lane, limited-access facility north of Lake Mathews and a south alignment through Perris, was eliminated due to engineering safety concerns regarding proximity to Cajalco Dam and Metropolitan facilities.
- **South Lake Mathews/North Perris (Drain) Alternative:** This alternative, which proposed a six- to eight-lane controlled-access parkway south of Lake Mathews on a northern alignment through Perris, adjacent to Perris Drain, was eliminated due to the modification of the project limits in response to the concerns expressed during public review of the Draft EIR/EIS circulated in October 2008.
- **South Lake Mathews/South Perris (Rider Street) Alternative:** This alternative, which proposed a six- to eight-lane controlled-access parkway south of Lake Mathews on a southern alignment through Perris along Rider Street, was eliminated due to the modification to the project limits in response to the concerns expressed during public review of the Draft EIR/EIS circulated in October 2008.
- **General Plan/North Perris (Drain) Alternative:** This alternative, which proposed General Plan Circulation Element improvements between I-15 and El Sobrante Road and a new six- to eight-lane controlled-access parkway east of El Sobrante Road to SR-79, was eliminated due to the modification to the project limits in response to the concerns expressed during public review of the Draft EIR/EIS circulated in October 2008.
- **General Plan/South Perris Alternative:** This alternative, which proposed General Plan Circulation Element improvements between I-15 and El Sobrante Road and a new six- to eight lane controlled-access parkway east of El Sobrante Road to SR-79, was eliminated due to the modification to the project limits in response to the concerns expressed during public review of the Draft EIR/EIS circulated in October 2008.
- **Far South/Placentia Avenue Alternative:** This alternative, which proposed a four- to six-lane controlled-access parkway south of Lake Mathews and Mead Valley, a six- to eight-lane controlled-access parkway between Old Elsinore Road

and I-215, and a six- to eight-lane controlled-access parkway between I-215 and SR-79, was eliminated due to the modification to the project limits in response to the concerns expressed during public review of the Draft EIR/EIS circulated in October 2008.

Int-1-30

Please refer to the responses to comments IP-6-2, IP-6-13, and IP-6-14 in Appendix S, and to Chapter 2 in this Final EIR/EIS which describe in detail the planning history of the MCP project including assessment of a wide range of alternatives and explanations of why many of those alternatives were not carried forward for evaluation in this Final EIR/EIS. The alternatives analysis process identified and evaluated a wide range of alternatives consistent with the NEPA requirements to evaluate reasonable alternatives. The range of alternatives evaluated over the planning history of the MCP is considered by FHWA, RCTC, and Caltrans to represent a reasonable range of alternatives consistent with the requirements of both NEPA and CEQA. As discussed above in the response to comment Int-1-28, alternatives such as public transit (rail and bus service) and alternative routes along and parallel to State Route 74 (SR-74) were considered during the CETAP process for the Hemet to Corona/Lake Elsinore Corridor, as documented in *Alternatives Recommended to be Carried Forward into the CEQA/NEPA Process for the CETAP Hemet to Corona/Lake Elsinore Corridor, December 20, 2000* (http://www.rcip.org/pdf_files/transportation/AlternativesNEPA404HemtoCor.PDF).

Int-1-31

This comment states that “. . . the Recirculated Draft EIR/Supplemental Draft EIS neglects feasible and reasonable alternatives . . .” and suggests that less environmentally damaging means to meet projected transportation demand, including exploring ways to diminish the demand through expansion to existing freeways, increased public transportation, and policies to incentivize and facilitate localization of economies. Please refer to response to comments IP-6-13 and IP-6-14 in Appendix S, because these two comments raised the same concerns as comment Int-1-31 that all feasible alternatives were not analyzed in the Recirculated Draft EIR/Supplemental Draft EIS. Please also refer to the response to comment IP-6-2 in Appendix S, and Chapters 1.0 and 2.0 in this Final EIR/EIS which describe in detail the planning history of the MCP project, which resulted from the CETAP element of the Riverside County Integrated Project (RCIP). The CETAP element of the RCIP addressed meeting projected transportation demand in western Riverside County in coordination with an update of a comprehensive update of the Riverside County General Plan and

the establishment of the western Riverside County MSHCP. The description of the CETAP element states that *"RCIP's transportation program is more than just a freeway plan, it is a multi-modal effort that considers not only highway options, but also looks at mass transit and other forms of travel demand management and infrastructure planning including utilities and communication. This element of RCIP will identify the locations for new transportation facilities that will help benefit commuters and serve Riverside County's growing economy. Most importantly, selection of these corridors will be integrated with decisions on land use and environmentally sensitive areas as identified in the General Plan and MSHCP elements of RCIP"* (<http://www.rcip.org/about.htm>, accessed August 27, 2014).

Alternatives to address projected transportation demand through expansion to existing freeways and increased public transportation were specifically considered during the CETAP process for the Hemet to Corona/Lake Elsinore Corridor, as documented in *Alternatives Recommended to be Carried Forward into the CEQA/NEPA Process for the CETAP Hemet to Corona/Lake Elsinore Corridor, December 20, 2000* (http://www.rcip.org/pdf_files/transportation/AlternativesNEPA404HemtoCor.PDF). The CETAP study concluded that a six- to eight-lane freeway alternative would best meet the transportation demand that was projected based upon the land uses proposed in the updated Riverside County General Plan.

During the RCIP process, development of policies to incentivize and facilitate localization of economies was one of the guiding principles for the update of the Riverside County General Plan, as noted by this statement from the 2003 Riverside County General Plan: *"To achieve this goal, the General Plan Principles identify several necessary steps. They include stimulating a diverse economic mix, providing economic opportunities, and ensuring access capabilities to operate effectively at those economic scales. This also includes improving the relationship between jobs and housing opportunities in order to allow residents to both work and live in the County; promoting commercial and industrial development to grow and/or relocate to the County; developing employment generating land uses where most appropriate (i.e., with convenient access to multi-modal transportation options, on underutilized and/or vacant parcels in close proximity to workers); and supporting agricultural uses as an important part of the County's economy and heritage."* (http://planning.rctlma.org/Portals/0/genplan/content/gp/chapter03.html#TOC3_8, accessed August 27, 2014).

The alternatives evaluated in the Recirculated Draft EIR/Supplemental Draft EIS are feasible and reasonable to address the project objectives listed on Page 4-1 of the Recirculated Draft EIR/Supplemental Draft EIS, which are to:

1. Provide a transportation facility that would effectively and efficiently accommodate regional west-east movement of people and goods between and through the Cities of Perris and San Jacinto;
2. Provide increased capacity to support the forecasted travel demand for the 2040 design year;
3. Provide a limited access facility;
4. Provide roadway geometrics to meet state highway design standards;
5. Accommodate Surface Transportation Assistance Act (STAA) National Network trucks;¹ and,
6. Provide a facility that is compatible with a future multimodal transportation system.

These objectives built upon the project purpose statement in the Hemet to Corona/ Lake Elsinore Corridor Tier 1 Draft EIR/EIS, which was “to provide multimodal transportation improvements that will help alleviate future traffic demands and congestion and improve the east-west movement of people and goods across western Riverside County.” As discussed above, the CETAP studies concluded that a six- to eight-lane highway alternative better addressed future east-west transportation needs of western Riverside County than public transit alternatives, and the project objectives for the MCP project were refined to focus on a highway project. Subsequent to RCTC’s decision to focus the MCP project on a 16-mile corridor between I-215 and SR-79, the travel demand forecasting for the project was updated. As discussed in Section 1.3.2.1, Capacity, Transportation Demand, and Safety, of the Recirculated Draft EIR/Supplemental Draft EIS, the project needs identified for the 16-mile MCP project were similar to the needs identified for the original 32-mile MCP corridor between I-15 and SR-79; therefore, no changes were made to the project objectives.

In summary, the planning process for the MCP project began with the CETAP element of the RCIP process in 1999. As discussed above, feasible and reasonable

¹ These are larger trucks that are permitted on the federal interstate system and the non-interstate federal-aid primary system.

alternatives to building a six-lane freeway were considered as part of the CETAP process.

Int-1-32

Please refer to the response to comments Int-1-30 and Int-1-31, above, for discussion regarding alternatives considered for the proposed project. Please refer to Table 4.10, Summary of Effects Potential Impact, and Table 4.11, Environmental Superiority by Impact Category, in Chapter 4, CEQA Evaluation, of the Recirculated Draft EIR/ Supplemental Draft EIS for a summary of which alternatives have reduced environmental impacts in meeting the project objectives.

Int-1-33

This comment states that the purpose/objectives limit the range of potentially feasible alternatives. Please refer to Section 1.2, Background, on page 1-1 in the Final EIR/EIS for a description of the history of the project which lead to the project purpose defined in Section 1.3.1, Project Purpose, on page 1-14 in the Final EIR/EIS. Please also refer to response to comment IP-6-9 in Appendix S and Int-1-28 above because IP-6-9 and Int-1-28 raised the same concerns regarding the project purpose/objectives limiting the range of potentially feasible alternatives.

As discussed above in response to comment Int-1-31, the definition of the project objectives for the MCP project began during the CETAP planning process for the Hemet to Corona/Lake Elsinore Corridor. The broad project purpose (project objective) statement of "to provide multimodal transportation improvements that will help alleviate future traffic demands and congestion and improve the east-west movement of people and goods across western Riverside County" for the Hemet to Corona/Lake Elsinore Corridor allowed for the consideration of a broad range of alternatives, including different transportation modes in various geographic locations. When RCTC took action on June 11, 2003, to accelerate the Hemet to Corona/Lake Elsinore Corridor work to a project-level CEQA document focusing on the Cajalco Road/Ramona Expressway Corridor (because this alternative was superior in meeting the project objective), this led to the refinement of the project objectives for a six- to eight-lane highway project within this corridor.

The alternatives suggested by the commenter (public transit and/or expansion of other east-west freeways) would meet very few of the project objectives, as discussed below:

1. **Provide a transportation facility that would effectively and efficiently accommodate regional west-east movement of people and goods between and through the Cities of Perris and San Jacinto:** Based on the results of the CETAP analysis as documented in *Alternatives Recommended to be Carried Forward into the CEQA/NEPA Process for the CETAP Hemet to Corona/Lake Elsinore Corridor, December 20, 2000* (http://www.rcip.org/pdf_files/transportation/AlternativesNEPA404HemtoCor.PDF), public transit alternatives would accommodate less than 10 percent of the overall travel demand, and are not feasible alternatives for accommodating goods movement. This analysis also showed that expanding existing east-west highways such as SR-91, State Route 60 (SR-60), and SR-74 would not address the transportation demand between and through the Cities of Perris and San Jacinto.
2. **Provide increased capacity to support the forecasted travel demand for the 2040 design year:** As discussed under Objective 1 above, public transit alternatives and alternatives to expand existing east-west highways would not provide increased capacity to support the forecasted travel demand for the 2040 design year.
3. **Provide a limited access facility:** Public transit alternatives and alternatives to expand existing east-west highways would not conflict with this objective.
4. **Provide roadway geometrics to meet state highway design standards:** Public transit alternatives would not meet this objective. Alternatives to expand existing east-west highways would meet this objective, but not in the geographical area needed.
5. **Accommodate Surface Transportation Assistance Act (STAA) National Network trucks:** Public transit alternatives would not meet this objective. Alternatives to expand existing east-west highways would meet this objective, but not in the geographical area needed.
6. **Provide a facility that is compatible with a future multimodal transportation system:** Public transit alternatives and alternatives to expand existing east-west highways would meet this objective, but not in the geographical area needed.

Because public transit alternatives and alternatives to expand existing east-west highways would meet very few of the MCP project objectives, neither of these alternatives was analyzed in the Recirculated Draft EIR/Supplemental Draft EIS.

Int-1-34

Chapters 1.0, Proposed Project, and 2.0, Alternatives, in this Final EIR/EIS provide a detailed history of the project, and description of alternatives considered and carried forward for detailed evaluation in this current EIR/EIS, as well as discussion of alternatives considered but not carried forward for evaluation in this current EIR/EIS. This comment does not provide specific comments regarding the project objectives or alternatives and, therefore, no further response is required. Please refer to response to comment IP-6-15 in Appendix S and Int-1-29 above, because IP-6-15 and Int-1-29 raised the same concerns as comment Int-1-34 regarding whether the range of alternatives was reasonable.

Int-1-35

As described in Section 2.2.1, Development of MCP Alternatives, on page 2-8 of the Final EIR/EIS, all of the Build Alternatives could feasibly attain most of the basic project objectives. This comment asserts that only alternatives that provided for a six lane facility are analyzed, to the exclusion of other alternatives. Please refer to the responses to comments Int-1-30 through Int-1-32 above, for a discussion of how alternatives other than a six-lane freeway were considered in the early stages of the CETAP planning process for the Hemet to Corona/Lake Elsinore Corridor. The number of lanes proposed for each Build Alternative is dictated by the travel demand that would be served by the MCP project in order to meet the project purpose statement to "...provide increased capacity to support the forecast travel demand for the 2040 design year." As documented in the *Mid County Parkway Traffic Technical Report* (2012), the forecast travel demand for the 2040 design year requires a six-lane freeway to "...effectively and efficiently accommodate regional west-east movement of people, goods, and services between and through Perris and San Jacinto" consistent with the project purpose. It should be further noted that, while all three Build Alternatives share a common alignment between Antelope Road and just west of Warren Road, this alignment was specifically identified to follow the alignment of the existing Ramona Expressway to minimize impacts to biological, cultural, and community resources in this part of the MCP study area.

Increases to vehicle miles travelled (VMT) result in increased GHG emissions; therefore, alternatives that would result in VMT reductions would reduce GHG emissions. Alternatives that would reduce the VMT increases resulting from the MCP Build Alternatives and why they are not feasible under CEQA are discussed below:

- **No Build Alternative 1A (maintain existing conditions on Ramona Expressway):** If no MCP project was built and no capacity was added to Ramona Expressway; then the MCP project would not increase VMT. However, as discussed in Chapter 4, CEQA Evaluation, of the Recirculated Draft EIR/ Supplemental Draft EIS, Alternative 1A would not attain any of the basic project objectives.
- **Add transit service to offset VMT increases associated with the MCP Build Alternatives:** As discussed above in response to comment Int-1-33, transit alternatives were evaluated for the Hemet to Corona/Lake Elsinore Corridor as part of the CETAP process. While transit alternatives may reduce VMT, they would not meet most of the basic project objectives.
- **Alternatives that reduce VMT increases by reducing population and employment growth:** As shown in Table 4.5.A, Change in Regional CO₂ Emissions, in the "Recirculated Sections of Chapter 4.0", the majority of the CO₂ emission increases is seen in the comparison of existing (2008) conditions to the 2040 MCP No Build condition (i.e., 120 percent increase from 2008 Existing to 2040 No Build compared to 121 percent increase from 2008 Existing to 2040 Alternative 9 Modified). CO₂ emissions could be decreased by reducing population and employment growth in western Riverside County and southern California. Because RCTC has no land use entitlement authority, this alternative is not feasible under CEQA because it is not within RCTC's legal authority.

Alternative 1A does consider the MCP corridor in its "pre-project" condition by assuming no improvements to Ramona Expressway. With regard to GHG, CO₂ emissions data is presented for existing (2008) conditions for Alternative 1A as shown in Table 4.5.A, Change in Regional CO₂ Emissions, in the "Recirculated Sections of Chapter 4.0." GHG impacts of the 2040 No Build and Build Alternatives are compared to this 2008 "pre-project" condition. Because Alternative 1B is based upon only General Plan circulation improvements being made to Ramona Expressway, those improvements are appropriately included in the 2040 analysis of Alternative 1B.

Int-1-36

As evaluated in the EIR/EIS, No Build Alternative 1B represents 2040 traffic levels on the planned street network based on the Circulation Element of the adopted Riverside County General Plan, including implementation of a six-lane Ramona Expressway between I-215 and SR-79 but no implementation of the MCP project. The General Plan Circulation Element does not include specific bus and shuttle

systems, HOV and carpool lanes on Ramona Expressway, or on-site energy production, so those components were not included in No Build Alternative 1B. While it is possible that the Ramona Expressway could be implemented in phases under No Build Alternative 1B, as suggested in this comment, phased implementation of those improvements would be under the control of the County of Riverside and not the RCTC or Caltrans. Phased construction would prolong the air quality and GHG emission impact and could potentially increase the total air quality and GHG emissions that would be generated during construction.

No Build Alternative 1B, as defined based on the Riverside County General Plan Circulation Element, would not meet any of the defined project objectives. Specifically, it would not:

- Provide increased capacity to support the forecasted travel demand for the 2040 Design Year
- Provide a limited access facility
- Provide roadway geometrics to meet state highway design standards
Accommodate Surface Transportation Assistance Act National Network trucks
- Provide a facility that is compatible with a future multimodal transportation system

As disclosed in Table 4.5.A, Change in Regional CO₂ Emissions, in the "Recirculated Sections of Chapter 4.0," the CO₂ emission increase for the 2040 No Build condition with General Plan circulation improvements (i.e., Alternative 1B) is slightly lower (0.49 percent) than for 2040 Alternative 9 Modified. Therefore, a 0.49 percent reduction in GHG emissions could be achieved under Alternative 1B as compared to Alternative 9 Modified. However, because Alternative 1B does not meet most of the project objectives, it was not recommended as the preferred alternative.

Int-1-37

This comment requests that RCTC provide a full analysis of HCLE Alternative 5C that was evaluated in the CETAP HCLE Corridor Draft EIS/EIR (2002) in the MCP Recirculated Draft EIR/Supplemental Draft EIS. As discussed in Section 2.6.1 on page 2-117 in the Final EIR/EIS, Alternative 1A/1B in the HCLE Corridor was identified as being superior to HCLE Alternative 5C and other HCLE Corridor alternatives because that alternative demonstrated that it best met traffic needs by providing the greatest benefits in terms of increases in speed, reductions in travel time, and congestion relief. The HCLE alternatives in this area (Alternatives 1A/1B and H1/H3) demonstrated more than twice the traffic benefit as measured in travel

hours saved per year compared with the other HCLE alternatives. Alternative 5c evaluated in the HCLE Draft Tier I EIS/EIR (2002) was not re-analyzed as an alternative to reduce GHG emissions for the MCP project because it would meet very few of the project objectives, as discussed below:

1. **Provide a transportation facility that would effectively and efficiently accommodate regional west-east movement of people and goods between and through the Cities of Perris and San Jacinto:** Because the alignment of HCLE Alternative 5c roughly parallels the alignment of existing SR-74 between Lake Elsinore and Winchester, it would not address the transportation demand between and through the Cities of Perris and San Jacinto.
2. **Provide increased capacity to support the forecasted travel demand for the 2040 design year:** HCLE Alternative 5c would not provide increased capacity to support the forecasted travel demand for the 2040 design year between and through the Cities of Perris and San Jacinto.
3. **Provide a limited access facility:** HCLE Alternative 5c would not provide a limited access facility between and through the Cities of Perris and San Jacinto.
4. **Provide roadway geometrics to meet state highway design standards:** HCLE Alternative 5c would meet this objective, but not in the geographical area needed.
5. **Accommodate Surface Transportation Assistance Act (STAA) National Network trucks:** HCLE Alternative 5c would meet this objective, but not in the geographical area needed.
6. **Provide a facility that is compatible with a future multimodal transportation system:** HCLE Alternative 5c would meet this objective, but not in the geographical area needed.

Because it would not meet most of the basic project objectives, HCLE Alternative 5C was not carried forward for full evaluation in the EIR/EIS for the MCP project.

Int-1-38

Please refer to the responses to comments Int-39 to Int-42, below.

Int-1-39

Please refer to the responses to comments Int-1-18 to Int-1-21, above, for discussion of measures related to planting trees, HOV lanes, and transit improvements, and solar and wind farms.

Int-1-40

The comment states that the Recirculated Draft EIR/Supplemental Draft EIS did not analyze and adopt all feasible mitigation measures to reduce cumulatively significant GHG emissions. Please refer to the responses to comments Int-1-18 to Int-1-21, above, for discussion of off-site solar and wind farms, planting trees, HOV lanes, and transit improvements.

The Riverside County Transportation Commission has 34 members. Each city in Riverside County holds one voting position on the RCTC, along with the five members of the Riverside County Board of Supervisors. The Director of Caltrans from the local District office is a non-voting member appointed by the Governor. The Commission's responsibilities focus on all aspects of regionwide planning for mobility in Riverside County including coordinating highway and transit planning and identifying projects for state and federal funding. As a result, one of the major responsibilities of the Commission is overall planning, funding, and implementation of public transit improvements throughout the County. This is an ongoing responsibility and does not enable RCTC "...to implement public transit options...as part of the project or require offsets for the projects emissions by funding other projects within its jurisdiction." Transit improvements will be funded and implemented throughout Riverside County with or without implementation of the MCP project.

Further, it should be noted that although individual members of the Commission (city and county members) have land use planning authority through the city and county agencies they represent, those members do not have land use planning authority when they are acting as members of the Riverside County Transportation Commission. In addition, even if these measures are feasible, RCTC does not have authority to require other agencies to implement GHG reduction measures as a requirement to use pass-through federal or state transportation funds.

GHG emissions generated by the MCP project will be partially offset by the following:

- The provision in California's Cap-and-Trade Program enabling fuel providers to incorporate costs of complying with the requirements of AB 32 cap on carbon emissions into the fuels they sell. This provision which became effective January 1, 2015, is a new mechanism to address the effects of carbon emissions from

motor vehicles (http://www.arb.ca.gov/cc/capandtrade/guidance/faq_fuel_purchasers.pdf).

- The MCP project is part of the SCAG's 2012 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), a regional plan which includes measures to address the goals of AB32 and SB375. Under SB 375, the primary goal of the SCS is to provide a vision for future growth that will decrease per capita GHG emissions from automobiles and light trucks. The MCP project is part of the overall 2012 RTP/SCS; therefore, the proposed project alternatives will help achieve the improved access and mobility goals of SCAG's 2012 RTP/SCS.
- As part of its mitigation commitments for the MSHCP (see Appendix T of this Final EIR/EIS, RCTC will acquire and place into conservation approximately 150 acres of native plant communities that would otherwise be subject to development. This preservation of native plant communities would have some benefit in offsetting GHG emissions from the MCP project.

This comment references the "Coachella Valley Intercity Rail Corridor Planning Study" (Caltrans, May 2013), the "2012 Update to the Public Transit-Human Services Transportation Coordination Plan for Riverside County" (RCTC, May 16, 2012), "On the Move" (RCTC, October 2013), RCTC's Resolution No. 13-042: Resolution of Support to Establish Daily Intercity Rail Service from Los Angeles to the Coachella Valley via the Pass Area (October 9, 2013), and RCTC Transit, Rail, and Commuter Programs (2014). As discussed earlier in the response to comment Int-1-21, improvements to public transportation alone would not effectively serve the east-west travel demand in western Riverside County.

Int-1-41

Please refer to the responses to comments Int-1-18 to Int-1-21, above, for discussion of off-site solar and wind farms, the planting of trees, building HOV lanes, and improving transit as possible mitigation. RCTC is not relying on the measures listed in Table 4.5.D, Climate Change CO₂ Reduction Strategies, in the "Recirculated Sections of Chapter 4.0" as mitigation for the GHG impacts of the MCP project; rather, this information was provided in the document to set the context for what is being done at a statewide and regional level to address GHG emissions.

This comment states that the "Recirculated Sections of Chapter 4.0 (III, Air Quality; VII, Greenhouse Gases; 4.5, Climate Change; and Table 4.10)" did not quantify how much of a reduction in the GHG emissions would be provided by the mitigation

measures. As stated on page 4.5-12 of the "Recirculated Sections of Chapter 4.0 (III, Air Quality; VII, Greenhouse Gases; 4.5, Climate Change; and Table 4.10)," "The majority (up to 99 percent as shown in Table 4.5.C) of these emissions [greenhouse gas emissions] is generated by on-road vehicles." RCTC determined there are no feasible mitigation measures for those on-road emissions. Because the mitigation measures would affect only one percent of the GHG emissions, the projected reduction in GHG based on that mitigation would be negligible.

This comment references the California Attorney General's Office published mitigation measures in Addressing Climate Change at the Project Level (January 1, 2010) and CAPCOA's Quantifying Greenhouse Gas Mitigation Measures (August 2010). However, the majority of the measures included in those documents are designed for residential and commercial developments and are, therefore, not applicable to a highway construction project. Few of the mitigation strategies included in the FHWA Reference Sourcebook for Reducing Greenhouse Gas Emission from Transportation Sources (February 2012); GHG Mitigation Potentials and Costs in the Transport Sector of Annex I Countries (Jens Borken-Kleefeld May 2009); Greenhouse Gas Mitigation Measures for Transportation Construction, Maintenance, and Operations Activities (Frank Gallivan August 2010); or Mitigation Options in the Transportation Sector (Michaelis 1996), such as road pricing, parking management, HOV lanes, and transit incentives can be implemented as part of the MCP project, because they involve demand management or other measures outside of the legal authority of RCTC. The most applicable measures that could be implemented by RCTC for the design and construction of the MCP project include some of the TSM strategies listed in the *Reference Sourcebook for Reducing Greenhouse Gas Emissions from Transportation Sources* (February 2012), specifically ramp metering, roundabouts, and use of alternative construction materials. The MCP project design includes provisions for ramp metering facilities, including loop detectors, enforcement areas, and connectors to I-215. Roundabouts were evaluated at MCP project intersections but were determined not to be viable designs based on the travel demand volumes (Source: <http://safety.fhwa.dot.gov/intersection/roundabouts/fhwasal0006/> accessed November 19, 2014). The cited reference identifies three alternative construction materials that should be considered to reduce GHG emissions. Each of these are discussed below:

1. **Use of Fly Ash rather than Portland Cement.** The use of alternative construction materials is progressing in California by which Caltrans is mandated

to use at least 25 percent fly ash in the cement used on state highways (<http://www.dot.ca.gov/ctjournal/2011-1/roads.html>). As a proposed future state highway project, the MCP project will be constructed in accordance with Caltrans' most current requirements at the time construction begins, including provisions to use fly ash as part of the cement mix.

2. **Use of Warm Mix Asphalt (WMA) rather than Hot Mix Asphalt.** Caltrans encourages the use of WMA because of its worker safety and environmental benefits (<http://www.dot.ca.gov/hq/construc/CPDirectives/CPD12-2.pdf>). As a proposed future state highway project, the MCP project will be constructed in accordance with Caltrans' most current requirements at the time construction begins, including provisions to use WMA during paving operations.
3. **Use of Recycled Materials.** As documented in Caltrans' 2013 report on activities to address climate change (http://www.dot.ca.gov/hq/tpp/offices/orip/climate_change/documents/Caltrans_ClimateChangeRprt-Final_April_2013.pdf), Caltrans has encouraged the use of recycled materials in a variety of construction activities such as base materials for highway projects. As a proposed future state highway project, the MCP project will be constructed in accordance with Caltrans' most current requirements at the time construction begins, including provisions to use recycled materials.

Int-1-42

Please refer to the responses to comments Int-1-18 to Int-21 and Int-39 to Int-41, above, for discussion regarding potential mitigation.

Int-1-43

As noted earlier, the comments received on the Recirculated Draft EIR/Supplemental Draft EIS are addressed in Appendix S of this Final EIR/EIS. The comments received on the "Recirculated Sections of Chapter 4.0 (III, Air Quality; VII, Greenhouse Gases; 4.5, Climate Change; and Table 4.10)" are addressed in this appendix of this Final EIR/EIS. The Final EIR/EIS, including these two appendices, are part of the administrative record for the MCP project. The decision makers will consider the entirety of the Final EIR/EIS, including the appendices containing comments and responses, as part of their decision making process.

Int-1-44

Mr. Evans at the Center for Biological Diversity was already included in the distribution list for the MCP project, on page 7-13 in Chapter 7, Distribution List, in

the Final EIR/EIS. That address was amended to include the suite number cited on the first page of this comment letter.

The San Bernardino Valley Audubon Society was already included on page 7-15 in the distribution list in Chapter 7. The address for the Society was updated to the address cited in this comment.

The Sierra Club, San Geronimo Chapter, was already included on page 7-14 in the distribution list in Chapter 7. The address for the Sierra Club was added on page 7-14 in the distribution list in addition to the existing addresses for the Sierra Club.

As requested in this comment, all of the organizations listed above have been placed on RCTC's list of those who wish to receive all future notices regarding the MCP project.

The comments in this letter cited a number of references listed following the last page of the comment letter and provided on a compact disc provided with the letter. The responses to comments provided above discuss those cited references and how the information in those references relates to or is applicable to the proposed MCP project. Ultimately, none of the information provided in these references changes the significance conclusions of the Recirculated Draft EIR, or provides any new information of substantial importance that would require recirculation of the EIR.

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V.4.7 Public Comments (Pub-1)

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Carmen Lo

From: projectteam@midcountyparkway.org
Sent: Friday, January 31, 2014 12:40 PM
To: sbein@rbf.com; Carmen Lo
Subject: Mid County Parkway Project: New Feedback - ID# 1368

From Carl Sherrill carlsh99@gmail.com

Phone: 9512861503

Address: 43980 mahlon vail #1104

City, State: temecula

Zip: 92592

Parcel:

Comments:

Now that funding arrived for the Metro rail extension to Perris, the Mid-County Parkway SHOULD directly connect to the Perris Multi-Mode Station. This "existing" presented design concept that addresses I-215 a mile or so NORTH of Perris, falls short of common sense. MCPP should ALSO address bus rapid transit (BRT) so that today's buses - AND HOV AND ALL emergency vehicles can gain easy & quick access to the San Jancinto area. ... MCPP should be welcomed AND improved.

Pub-1-1

Pub-1-2

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Pub-1-1

As currently proposed, the MCP facility will terminate at a system interchange with I-215 at Ramona Expressway/Cajalco Road. The proposed Ramona Station and the Downtown Perris Station on the Perris Valley Line (PVL) will provide access for travelers to use the PVL Metrolink service, as well as existing bus services. The Ramona Station for the PVL is proposed in the southwest quadrant of the intersection of I-215 and Cajalco Road. Travelers will be able to use the MCP and I-215 to access this station from service interchanges on I-215 at Ramona Expressway and Placentia Avenue.

The Perris Downtown Station is nearly 4 miles south of the MCP/I-215 interchange (at Ramona Parkway/Cajalco Road). Extending the MCP facility along I-215 south to the Perris Multimodal Station is beyond the intended purpose of the MCP project. Further, a direct connection between the MCP/I-215 and the Perris Multimodal Station would require extending the existing ramps at the service interchange from 4th Street into/out of the station parcel. This station currently includes bus and park-and-ride services and has approximately 390 parking spaces. The demand at this station even with rail service would likely not meet the minimum traffic volumes to justify extending the existing ramps to this site. In addition, it should be noted that access to the Perris Downtown Station is already very direct via the existing ramps to/from I-215 at 4th Street. As a result, the MCP project is not proposed to include direct ramps into/out of the Perris Multimodal Station.

Pub-1-2

The MCP facility will be accessible to cars, trucks, and buses. As a result, bus rapid transit services will be able to use the MCP facility to travel east-west in this part of Riverside County. Buses traveling to the Perris Multimodal Center can use the MCP facility, to I-215, to local streets to access the Center.

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Carmen Lo

From: projectteam@midcountyparkway.org
Sent: Friday, January 31, 2014 8:05 PM
To: sbein@rbf.com; Carmen Lo
Subject: Mid County Parkway Project: New Feedback - ID# 1369

From Phil Norris panors77@aol.com

Phone: 951-780-4929

Address:

City, State:

Zip: 92570

Parcel:

Comments:

I think if you're going to make Cajalco Rd. into a parkway or freeway you also need to continue it PAST the 15 and into orange county. The 91 has been a parking lot for long enough.

Pub-2-1

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Pub-2-1

The proposed MCP as described in this Final EIR/EIS extends between I-215 and SR-79; it does not extend west along Cajalco Road to either I-15 or into Orange County. As described on page 1-33 of the Final EIR/EIS, the Riverside County Transportation Department is studying the feasibility of a separate project to widen and improve Cajalco Road between Temescal Canyon Road and Harvill Avenue.

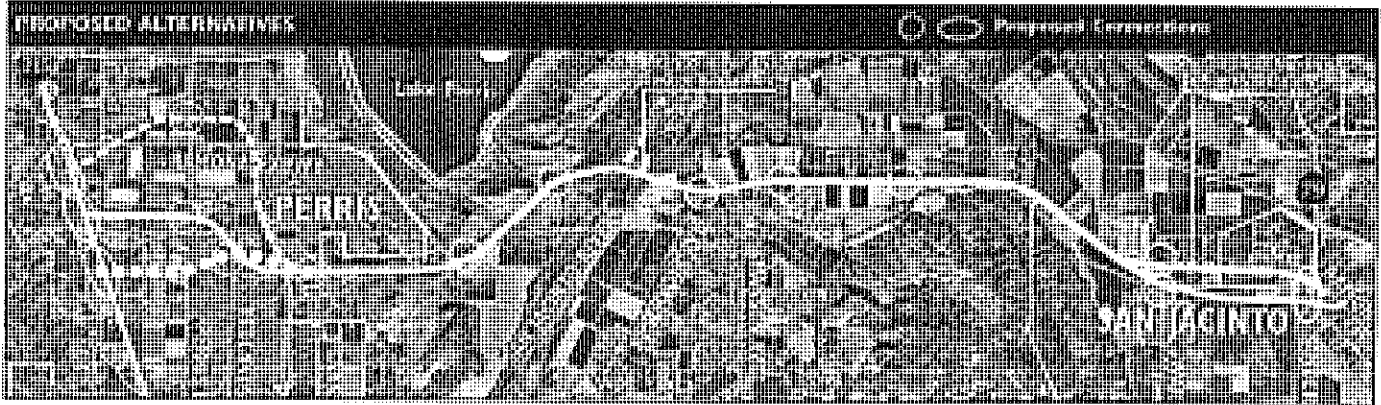
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MID COUNTY PARKWAY PROJECT

PUBLIC NOTICE

Pub-3

Notice of Availability of Recirculated Sections of the Recirculated Draft Environmental Impact Report



WHAT IS BEING PLANNED?

The Riverside County Transportation Commission (RCTC), the Federal Highway Administration (FHWA), and the California Department of Transportation (Caltrans) are proposing a project to improve west-east transportation in western Riverside County between Interstate 215 in the west and State Route 79 in the east. RCTC is the lead agency under the California Environmental Quality Act (CEQA) and FHWA is the Lead Agency under the National Environmental Policy Act (NEPA), in cooperation with Caltrans. The Mid County Parkway (MCP) project is a proposed 16-mile transportation corridor designed to relieve local and regional traffic congestion between the cities of Perris and San Jacinto and surrounding Riverside County communities. This corridor was identified as part of the Riverside County Integrated Project, a region-wide planning effort to ensure mobility and protect the environment and quality of life as the area continues to grow. The project alternatives consist of three Build Alternatives (Alternatives 4 Modified, 5 Modified, and 9 Modified) and two No Build Alternatives (1A and 1B).

WHY THIS NOTICE?

In January 2013, RCTC, Caltrans, and FHWA circulated a Recirculated Draft Environmental Impact Report (EIR)/Supplemental Draft Environmental Impact Statement (EIS) which examined the potential environmental impacts of alternatives being considered for the MCP project.

RCTC, as the Lead Agency under CEQA, has prepared additional quantitative analyses of potential air quality and greenhouse gas emissions and climate change effects of the MCP Build Alternatives and has revised four parts of Chapter 4.0, California Environmental Quality Act Evaluation (Sections 4.4.III, Air Quality; 4.4.VII, Greenhouse Gas Emissions, 4.5, Climate Change; and Table 4.10, Summary of Effects) from the EIR to incorporate those additional analyses. Because only certain sections of the Recirculated Draft EIR that have been revised and replaced are being circulated, reviewers should limit their comments to these revised sections of the Recirculated Draft EIR only, consistent with Section 15088(f)(2) of the CEQA Guidelines. Furthermore, previous comment letters submitted on the Recirculated Draft EIR/Supplemental Draft EIS during the prior public review period on non-recirculated chapters need not be resubmitted.

WHAT IS AVAILABLE?

Revised Sections 4.4.III, 4.4.VII, 4.5, and Table 4.10 in Chapter 4.0 of the Recirculated Draft EIR are available for viewing at the following locations during regular business hours:

RCTC, 4080 Lemon Street 3rd Floor, Riverside, CA 92501

FHWA, 650 Capitol Mall, Suite 4-100, Sacramento, CA 95814

Caltrans District 8 Office, 464 W. 4th Street, San Bernardino, CA 92401

Perris Public Library, 163 E. San Jacinto Avenue, Perris, CA 92507

San Jacinto Public Library, 500 Idyllwild Drive, San Jacinto, CA 92583

Moreno Valley Public Library, 25480 Alessandro Boulevard, Moreno Valley, CA 92553

You may also view and comment on revised Sections 4.4.III, 4.4.VII, and 4.5, and Table 4.10 at www.midcountyparkway.org

WHERE YOU COME IN

Revised Sections 4.4.III, 4.4.VII, and 4.5 and Table 4.10 are available for public review and comment between January 31, 2014 and March 17, 2014. The purpose of the public review and comment period is to give interested parties the opportunity to provide their input on the additional analyses conducted by RCTC as the CEQA Lead Agency. Comments received during the public review period for these revised Sections of the Recirculated Draft EIR will be formally responded to in the Final EIR/EIS. Comments on revised Sections 4.4.III, 4.4.VII, and 4.5, and Table 4.10 may be submitted online at www.midcountyparkway.org, or in writing and mailed to: Mr. Aicx Menor, RCTC, P.O. Box 12008, Riverside, CA 92502. All comments must be received no later than 5 PM on March 17, 2014.

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Pub-3-1

This commenter's support for the MCP project is noted. The process used to evaluate the alternatives and identify the preferred alternative for the MCP project is described in Section 2.5.5, Identification of the Preferred Alternative, on page 2-98 in the Final EIR/EIS. As discussed in Section 2.5.5, Alternative 9 Modified with the San Jacinto River Bridge Design Variation was identified as the preferred alternative for the MCP project.

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9 February 2014

Pub-4

Mr. Alex Menor
RCTC
P.O. Box 12008
Riverside, CA 92502-2208

Dear Mr. Menor:

Re: Address Correction, Mid County Parkway Project

Can you please change my contact information? In the past I have made comments on the Mid County Parkway & asked to be notified of new documents.

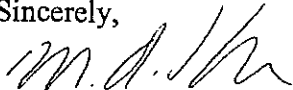
But I do not & have not represented the Friends of the Northern San Jacinto Valley. Somehow my name is associated with their address.

Can you please change my contact information to:

Michael A. McKibben
23296 Sonnet Drive
Moreno Valley, CA 92557-5403

Thank you for making the change.

Sincerely,



Michael A. McKibben
23296 Sonnet Drive
Moreno Valley, CA 92557-5403
e-mail: mamckibben@roadrunner.com

Pub-4-1

Incorrect Address

3**852*****AUTO**SCH 3-DIGIT 923

MICHAEL MCKIBBEN

Friends of the Northern San Jacinto Valley

PO BOX 4266

IDYLLWILD, CA 92549-4266



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Pub-4-1

This commenter's correct name and address were added on page 7-43 in Chapter 7, Distribution List, in the Final EIR/EIS.

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9 February 2014

Pub-5

Mr. Alex Menor
RCTC
P.O. Box 12008
Riverside, CA 92502-2208

Dear Mr. Menor:

Re: Address Correction, Mid County Parkway Project

Can you please change my contact information? In the past I have made comments on the Mid County Parkway & asked to be notified of new documents.

I am no longer associated with the Friends of the Northern San Jacinto Valley.

Please update my information to:

Ann Turner McKibben
23296 Sonnet Drive
Moreno Valley, CA 92557-5403

Thank you.

Sincerely,

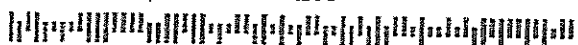
Ann Turner McKibben

Ann Turner McKibben
23296 Sonnet Drive
Moreno Valley, CA 92557-5403
e-mail: atmckibben@roadrunner.com

Pub-5-1

Incorrect Address

3**853*****AUTO**SCH 3-DIGIT 923
ANN TURNER MCKIBBEN
Friends of the Northern San Jacinto Valley
PO BOX 4266
IDYLLWILD, CA 92549-4266



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Pub-5-1

This commenter's contact information was deleted from page 7-13 in Section 7.7, Interested Parties, and the new address cited in this comment was added on page 7-43 in Section 7.8, Public.

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Carmen Lo

From: projectteam@midcountyparkway.org
Sent: Saturday, February 22, 2014 1:10 PM
To: sbein@rbf.com; Carmen Lo
Subject: Mid County Parkway Project: New Feedback - ID# 1380

From Gordon Weyland mrkahoona@yahoo.com

Phone:

Address: 1069 sandgrouse ln.

City, State: perris, ca

Zip: 92571

Parcel:

Comments:

Hello,

As a homeowner living within the area of the proposed Mid County Parkway, Sandgrouse Lane, I feel that the sound barrier walls should be installed without a vote. To find that my home may be so close to a freeway without sound walls is unbelievable and may be a sign that it is time to sell. I grew up in Garden Grove, in Orange County. The home I grew up in was two streets from the Garden Grove Freeway, the 22. The sound from the freeway can be heard all day and night, this with the installed sound walls. Prior to the installation of sound walls the sound was deafening, especially on weekdays. Now I am told that a vote has to be taken with the majority wanting a wall. This plus the fact that if no response is received the address will be counted as no vote. Many of my neighbors are renters who have a tendency to be short term residents and do not care one way or the other. This with the fact that the mailing we received was addressed to the resident, many owners are probably clueless about the freeway. Please reconsider the idea of voting and install the sound barrier wall. Please.

Thanks you.

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Pub-6-1

Based on the discussion on page 3.15-98 in the Final EIR/EIS, although a sufficient number of "yes" responses were not received for the noise barriers to be considered "reasonable" per the Caltrans' *Traffic Noise Analysis Protocol* (2011), RCTC as CEQA Lead Agency proposes to construct the noise barriers as originally proposed in the Recirculated Draft EIR/Supplemental Draft EIS (January 2013) to provide feasible noise mitigation measures pursuant to Section 15126.4 of the CEQA Guidelines. This includes Noise Barrier 31-32-33 that would benefit the commenter's property.

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Carmen Lo

From: projectteam@midcountyparkway.org
Sent: Tuesday, March 11, 2014 11:17 AM
To: sbein@rbf.com; Carmen Lo
Subject: Mid County Parkway Project: New Feedback - ID# 1383

From John Hu jhu@rbf.com

Phone:

Address:

City, State:

Zip: 92618

Parcel:

Comments:

test

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Pub-7 John Hu

This email does not appear to include a comment on the "Recirculated Sections of Chapter 4.0 (III, Air Quality; VII, Greenhouse Gases; 4.5, Climate Change; and Table 4.10)." No response is necessary.

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Appendix A Air Quality Measures

Air quality Measures AQ-1 through AQ-5 from the 2013 Recirculated Draft Environmental Impact Report (EIR)/Supplemental Draft Environmental Impact Statement (EIS) were cited in the "Recirculated Sections of Chapter 4.0 (III, Air Quality; VII, Greenhouse Gases; 4.5, Climate Change; and Table 4.10)." Those measures apply to all the Mid County Parkway (MCP) Build Alternatives and their design variations. The language of those measures, which is consistent with the language of those measures in the Final EIR/EIS, is provided below.

AQ-1 Fugitive Dust Source Controls. During all site preparation, grading, excavation, and construction, the Riverside County Transportation Commission (RCTC) will require the Construction Contractor to:

- Stabilize open storage piles and disturbed areas by covering them and/or applying water or chemical/organic dust palliative to the disturbed surfaces. This applies to inactive and active sites during workdays, weekends, holidays, and windy conditions.
- Install wind fencing, phase grading operations, and operate water trucks for stabilization of surfaces under windy conditions.
- Limit vehicle speeds to 15 miles per hour (mph) within the project limits.
- Cover loads when hauling material to prevent spillage.
- Limit speed of earthmoving equipment to 10 mph within the project limits.

AQ-2 Mobile and Stationary Source Controls. During all site preparation, grading, excavation, and construction, the RCTC Resident Engineer will require the Construction Contractor to:

- Reduce unnecessary idling from heavy equipment by requiring that the construction grading plans include a requirement that work crews will shut off equipment when not in use.
- Reduce the use of trips by and unnecessary idling from heavy equipment.
- Use solar-powered, instead of diesel-powered, changeable message signs.

- Use electricity from power poles, rather than from generators, when electricity can be acquired from existing power poles in proximity to the construction areas.
- Maintain and tune engines per manufacturers' specifications to perform at United States Environmental Protection Agency (EPA) certification levels and verified standards applicable to retrofit technologies. The RCTC Resident Engineer will conduct periodic, unscheduled inspections to ensure that there is no unnecessary idling and that construction equipment is properly maintained, tuned, and modified consistent with established specifications.
- Prohibit any tampering with engines and require continuing adherence to manufacturers' recommendations.
- Use new, clean (diesel or retrofitted diesel) equipment meeting the most stringent applicable federal or state standards and commit to the best available emissions control technology. Use Tier 3, or higher, engines for construction equipment with a rated horsepower exceeding 75. Use Tier 2, or higher, engines for construction equipment with a rated horsepower of less than 75. If nonroad construction equipment that meets or exceeds Tier 2 or Tier 3 engine standards is not available, the Construction Contractor will be required to use the best available emissions control technologies on all equipment.
- Use EPA-registered particulate traps and other controls to reduce emissions of diesel particulate matter (PM) and other pollutants at the construction site.

AQ-3

Administrative Controls. During final design, the RCTC Project Engineer will update the information on sensitive receptors adjacent to the project disturbance limits and along the primary access routes to/from the construction areas. These will include residential uses, schools, and individuals, such as children, the elderly, and the infirm. The locations of the updated sensitive receptors will be based on information in the Final EIR/EIS (including land use information provided and discussed in Sections 3.1, 3.4, 3.14, and 3.14) and updated information on existing land uses along the alignment of MCP and the primary access routes to/from the construction areas. The

Project Engineer will provide figures showing the locations of these sensitive receptors to the Construction Contractor.

Prior to any site disturbance, the RCTC Resident Engineer will require the Construction Contractor to:

- Provide documentation indicating all areas of sensitive receptors and how construction equipment, travel routes, and other activities that could emit air pollutants are located away from those sensitive populations; for example, locating construction equipment and staging zones away from sensitive receptors and away from fresh air intakes to buildings and air conditioners.
- Prepare an inventory of all equipment and identify the compliance of each piece of mobile and stationary equipment with the mobile and stationary source control requirements listed in Measure AQ-2.

AQ-4 California Department of Transportation (Caltrans) Standard Specifications for Construction. During all site preparation, grading, excavation, and construction, the RCTC Resident Engineer will require the Construction Contractor to adhere to Caltrans Standard Specifications for Construction (Sections 14.9.03 and 18 [Dust Control] and Section 14.9-02 [Air Pollution Control]).

AQ-5 Asbestos-Containing Materials. Should the project geologist determine that asbestos-containing materials are present at the project study area during final inspection prior to construction, the RCTC shall implement the appropriate methods to remove asbestos-containing materials.

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